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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PRICE of Georgia).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 13, 2006.

I hereby appoint the Honorable TOM PRICE to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Louis V. Iasiello, President, Washington Theological Union, Washington, DC, offered the following prayer:

Most good and gracious God, You bless us and guide us at every moment of our lives, and most especially at times of great trial and adversity.

We thank You for the priceless gift of this great Nation and for the constitutional principles that guide it. We thank Thee for the many liberties that mark us as a blessed and a free people, and for myriad patriots who have worn the sacred cloth of military service throughout our proud history, citizen warriors who have defended those freedoms against the tyrannies of days past and those who continue the good fight this very day. We know their service honors You, for it stands as yet one more sign of the great bounty that is the United States of America.

And so at this troublesome time of national emergency, in the current struggle against global extremism, we ask for the strength to face adversity with pure and sincere hearts that You might empower us to be a light for all the nations and build a world with justice and peace for men and women of good will everywhere. So help us God, 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. Will the gentleman from Illinois (Mr. SHIMKUS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS 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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 866. An act to make technical corrections to the United States Code.

SMALL BUSINESS NEEDS

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I rise today to urge my colleagues to continue addressing the needs of small businesses that create seven out of every 10 jobs in our communities. Small businesses are the backbone of our local economies.

During the past month, I held small business walks down the main streets and through the business districts of towns and villages in New York's Hudson Valley.

I talked directly to small business owners and employees in places like Warwick, Port Jervis, Beacon and Highland Falls to hear directly from them about the challenges they face every day.

They asked for continued tax relief so they can afford to pay their employees. They need to keep more of their earnings in order to create new, good paying jobs in our local communities.

They asked for affordable health insurance to be more accessible for them to be able to provide for their employees. Only 41 percent of the smallest businesses can afford to offer health benefits, compared with 99 percent of large companies.

When I discussed small business health plan legislation that we have passed in the House, they often agreed that would be a practical first step toward solving the problem of America's uninsured.

Mr. Speaker, these and other proposals are part of a five-point plan I have been pushing to help our small businesses, and I ask my colleagues to support these initiatives that level the playing field for small businesses and provide them the tax relief they need.

A NEW DIRECTION FOR AMERICA

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, hard on the heels of the anniversary of 9/11, instead of dealing meaningfully with the concerns of the American people, like immigration and the economy, instead the House deals with horse slaughter rules and Indian gaming. There is no meaningful action or even debate on how the Bush administration's war of choice has left Iraq in shambles and civil war.

North Korea and Iran are more threatening and dangerous than when labeled the ''Axis of Evil.''

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We are losing ground to the Taliban in Afghanistan, where the NATO commander cannot even get the troops he says he needs.

Independent polls show America's standing in the world at the lowest ever recorded.

The good news is that there will be a chance in November's election where we will be able to not just send a message but change the leadership here in the House and start a new direction for America.

BETRAYED IN THE LINE OF DUTY

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, the battle on the second front continues, and the U.S. Government shows it is on the wrong side of the border war.

Two border patrol agents named Ramos and Compean chased a drug dealer down on the Mexico-Texas border. Gun shots were exchanged. The drug smuggler fled back to safety in Mexico, leaving his van and 800 pounds of dope on the American side.

The U.S. decided to prosecute. The U.S. Attorney went to Mexico, found the drug dealer, took him to America, treated his bullet wounds, and then, get this, gave him immunity to testify against agents Compean and Ramos for their shooting him, the criminal.

Both border agents were convicted by an overzealous prosecutor that was looking for pelts in her belt. She appeared to have more loyalty to Mexico than to America because she was on the wrong side.

Both agents await sentencing. The two border agents should have been given medals and sent back down to the border to bag another drug dealer instead of being prosecuted.

Yet another example of how our government is more concerned about illegals and drug dealers than they are about America and Americans.

And that's just the way it is.

TAX CUTS FOR WEALTHY, PAY CUTS FOR MIDDLE CLASS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, for a lot of American families it is becoming more and more difficult to make ends meet in the Bush economy. With sky-high gas prices this summer, rising health care costs and stagnant wages, working Americans are feeling a serious squeeze on their family finances.

Unfortunately, President Bush and the congressional Republicans refuse to address our economy because they think it is moving along smoothly. But that is simply not the case.

While full-time minimum wage earners face a 50-year low in buying power, and all Americans face wages that are falling after inflation, corporate profits have reached their highest share of the economy since the 1960s. It would be nice if corporate CEOs and shareholders were not the only ones benefiting from the production American workers are bringing in every day. Democrats believe it is time for them to get their fair share.

Mr. Speaker, working Americans are ready for a new economic direction, one where workers are justly compensated for their efforts and the benefits of increased productivity can be shared by all. The days of catering exclusively to the wealthiest have helped create the troubling economic conditions that our Nation now faces. It is time for a change.

NATO STRATEGIC AIRLIFT CAPABILITY

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, as a delegate of the NATO Parliamentary Assembly and very active in its defense subcommittee, and also the chairman of the Baltic Caucus, I am excited and extremely pleased with NATO's recent announcement in a letter of intent after 6 months of negotiation.

Thirteen Nations have developed a plan to create a NATO Strategic Airlift Capability based at Ramstein Air Force Base. Initially comprised of three to four C–17s, the SAC will be flown by multinational air crews, pilots and loadmasters, and a multinational military structure will be created to command and control these aircraft.

Boeing, who builds the C–17, is a great U.S. company. This aids in NATO's transformation and jobs for U.S. workers.

INTRODUCTION OF H. CON. RES. 453

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, with record temperatures set in the first half of 2006, with hurricane season upon us, the need for Congress to address global climate change is more pressing than ever.

There is no longer debate within the scientific community. Global warming exists, and we need to do something about it.

We have the opportunity and the responsibility to take action to reverse the negative impacts of global climate change. However, this must be done both domestically and internationally.

It is time the U.S., with the international community, fully address the issue of global climate change.

Congressman Jim Leach and myself have introduced H. Con. Res. 453, a bipartisan resolution expressing the need for the U.S. to participate in international agreements that address global climate change.

I invite my colleagues to cosponsor this bill and join us in taking this step and begin addressing global climate change.

CONGRATULATING THE 2006 LITTLE LEAGUE WORLD CHAMPIONS

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. Mr. Speaker, millions play our national pastime for the love of the game, but only the truly elite can claim the title of world champion.

I have the great pleasure of representing Columbus, Georgia, home of the 2006 Little League World Champions. Our community beams with pride for these incredible young sluggers and slingers.

The players for Columbus Northern are living the dream of every American boy who has ever slipped on a glove. In order to compete for the world championship, Columbus Northern first had to defeat the best Little League teams that the United States had to offer.

Then, as the American champions in the World Series, Columbus Northern took on a tough and talented Japanese team. The game was a defensive struggle, allowing Columbus Northern to win 2–1 after a 2-run homer by catcher Cody Walker, who also caught the fastball of winning pitcher Kyle Carter. The champs recently met one of the Nation's biggest baseball fans, President Bush, when he was in Atlanta.

The Columbus Northern team is on top of the world. It will have memories to last a lifetime.

Mr. Speaker, I salute the players of Columbus Northern. Georgians and Americans are thrilled with their success, and we are more than a little jealous, but very thankful, that they get to live every boy's dream.

PRESIDENT BUSH CONTINUES TO MISREPRESENT THE WAR IN IRAQ

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Mr. Speaker, in his speech on Monday night, President Bush continued to try to justify the invasion of Iraq by drawing nonexistent links to the 9/11 attacks. The President's misuse of the fifth anniversary of the attacks shows that he will go to any length to divert our attention from his failures in Iraq, which has diverted focus from America's real national security concerns.

President Bush, and most Republicans here in Congress, refuse to admit that things are not going well in Iraq. One has to only look at a report that we requested from the President's own Pentagon showing that the situation in Iraq has greatly worsened. The number of attacks against Americans and

Iraqis has climbed to its highest level since the war began, and in the month of July alone 100 Iraqis a day were being killed.

U.S. troops continue to pay too high a price. To date, more than 2,600 brave American soldiers have lost their lives, an additional 19,000 have been wounded, and we have now spent over $320 billion in Iraq. Do we really need to lose 58,000 soldiers before we stop staying the same course in Iraq as we did in Vietnam?

It is time for a new strategy in Iraq, one where the Iraqis themselves, not foreign occupiers, are responsible for their Nation's future.

UNITY AND RESOLVE WILL WIN THE WAR ON TERROR

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, Osama bin Laden himself has stated that victory for the extremists in Iraq will mean America's defeat and disgrace forever.

The terrorists clearly see Iraq has the central front in the global war on terror.

On Monday evening, the fifth anniversary of the attacks of 9/11 and the beginning of the war on terror, the President clearly stated the importance of success in Afghanistan and Iraq and winning that war. He understands the resolve that we need to meet the significant challenges faced by our Nation.

And what is the response of the Democratic leadership? To attack the President for even mentioning Iraq as a part of the war on terror. They seek, once again, to distract and divide America to score cheap political points.

For whatever reason, they do not take the terrorists at their word with regard to Iraq, or they do not care because they see a political benefit in undermining U.S. efforts.

The Democrats must understand that America must be united. We must have the resolve to defeat the terrorists in the heart of their power so we do not have to fight them on our own streets.

One has to wonder if the Democratic leadership cares as much about winning the war on terror as they do about winning the election in November.

□ 1015

PRESIDENT BUSH USES NATIONALLY TELEVISED SPEECH TO SPREAD DISINFORMATION

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, just when you thought the Bush administration had finally faced reality and admitted that Iraq had nothing to do with 9/11, President Bush uses a nationally televised speech on 9/11 to once again blur the lines between the war on terror and the war in Iraq.

Last week, a bipartisan Senate Intelligence Committee report concluded that the U.S. intelligence analysts were strongly disputing any link between al Qaeda and Iraq, while the Bush administration officials were fabricating links to justify invading Iraq.

Over the last month, President Bush and Vice President CHENEY have admitted to the American people there was no link between the terrorist attack on September 11 and the Iraq war. Yet, during a nationally televised speech on Monday, the President once again had the audacity to say that the safety of America depends on the outcome of the battle in the streets of Baghdad, once again connecting in many people's minds 9/11 and Iraq.

The President can't have it both ways. And on an issue so important as this, national security, the President should level with the American people and admit it is time to make a change and change the course in Iraq.

IN MEMORY OF FORMER U.S. CONGRESSMAN CLAIR BURGENER

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, it is with great sadness that I inform the House of the passing of our former colleague, the gentleman from California, Clair Burgener. He was an amazing individual, and I have a load of articles here that have been written about him over the past several days.

I think the San Diego Union-Tribune put it extraordinarily well when it said: ''Burgener earned a reputation for honesty and modesty in a three-decade career that began in San Diego city politics and ended in the hallways of the Nation's Capitol.''

As we look at this time of partisan divide here, former nine-term Democratic Congressman Lionel Van Deerlin said, ''He was a wonderful colleague. He and I were on different levels as far as our voting went, but we didn't try to hold back or fool each other.''

And Herb Klein, the retired editor in chief of Copley Newspapers and director of communications for President Nixon, recalled a man of unbending ethics: ''Clair Burgener was the epitome of a great American Congressman. He was honest and ethical, a strong leader dedicated to his community. He was a wonderful friend whose warmth never waned.''

Mr. Speaker, our thoughts and prayers go to Clair's wife, Marvia. We thank him for his extraordinary service to the United States of America.

PRESIDENT ATTEMPTS TO CONNECT IRAQ WITH OVERALL WAR ON TERROR

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, on Monday night, President Bush continued this difficult job he has of trying to connect the war in Iraq with al Qaeda. He said it is the most difficult part of his job. Because there is no connection.

Even the Senate report this past week said, and it is a bipartisan report from the Senate Intelligence Committee, said there is no link between Saddam Hussein and al Qaeda. The Senators wrote: ''Saddam expressed only negative opinions about Osama bin Laden.''

Yet the President had the audacity on Sunday night to say that our Nation's safety depends on what happens in the streets of Baghdad. Now, Mr. Speaker, we have to ask the President, where were you when you set this war up and you told General Shinseki, head of the Army, we didn't need 350,000 people; we could go over there with a minimal force?

You led us into this quagmire, and you have got to give us a way out. We need the strategic redeployment that Mr. MURTHA is talking about.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair and not to the President.

BORDER SECURITY

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to remind my colleagues that partisan bickering and ill-fated policies toward immigration reform will simply not solve the crisis we are facing today. We must produce a solution to border security and close a major loophole in our Nation's security, thereby fulfilling the most important role of the Federal Government.

It is time we turn off the faucet before we decide to fix the pipes. Now is not the time to work on comprehensive reform. During the District Work Period in August, my constituents delivered a clear message: no amnesty, just secure the borders now. After 22 immigration field hearings, an identical resounding and powerful message has been sent to officials in Washington: secure the borders now.

Why are my colleagues on the other side of the aisle so opposed to the will of the American people? Security is an issue that should not be taken lightly, much less used for political gain.

Mr. Speaker, we are now in Washington to represent those who voted to send us here, and we must not ignore the message they are sending. It is time to secure the borders and stop the unending flow of illegal aliens.

HOW SAFE IS AMERICA TODAY FROM TERRORIST ATTACKS?

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. How safe is America today from terrorist attacks? Here are some of the results from Foreign Policy magazine's recently published ''Terrorism Index,'' a survey of over 100 top national security experts from across the political spectrum, with the results weighted to ensure balance between conservatives and liberals.

Among the key findings are, one, 84 percent of the experts said we are losing the war on terror. Eighty-six percent said that the world is becoming more dangerous for the United States and the American people. Ninety-three percent said the war in Afghanistan had a positive impact on the war on terror, but 87 percent said the war in Iraq had a negative impact on the war on terror.

It is clear to the American people now that this country is moving in the wrong direction, the wrong direction in the war in Iraq; and it is time for a new direction. The Democrats offer a new direction for America.

GLOBAL WAR ON TERROR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in the 5 years since the 9/11 terrorist attacks, we have made great strides in fighting global terrorism, but this war is not over. The recently uncovered plot to bomb U.S.-bound passenger jets made it clear that we are still threatened.

As we remember 9/11, we must renew our commitment to winning this war against Islamic terrorists. Make no mistake, the enemy hasn't lost its resolve. Osama bin Laden put it this way. He said, ''The whole world is watching this war and the two adversaries. It is either victory and glory or misery and humiliation.''

Our enemies are determined, but they will be defeated if we remain vigilant. As Congress deliberates this month, we must continue to make the protection of the American people our top priority. America's greatest strength lies with our people's love of freedom. By doing what it takes to win this war, we will show that our love for freedom is stronger than our enemy's desire for bloodshed and tyranny.

DEMOCRATS SUPPORT DEMOCRACY AT HOME AS WELL AS ABROAD

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, the statement by Majority Leader BOEHNER was shameful and disgraceful. To suggest that my fellow Democrats care more about protecting the terrorists than the American people is not right, it is not fair, it is not just, and it is not the American way.

Mr. Speaker, Democrats will not stand by and let a single attack go unanswered. You may play the politics of fear, you may question the patriotism of those who use their constitutional rights to criticize this administration, but this dog will not hunt. This dog just will not hunt.

The American people know better. They want this Nation to take a new path. They want to move in a different direction. They want leaders who respect the dignity and the values of our democracy. We cannot defend democracy abroad if we don't practice it here at home.

CONGRATULATING HARALSON COUNTY, GEORGIA, ON ITS 150TH ANNIVERSARY

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to honor Haralson County, Georgia, which this year is celebrating its 150th anniversary.

One hundred fifty years ago, back in 1856, the Georgia General Assembly created Haralson County from parts of Carroll and Polk Counties. Haralson County is forever tied to the statesman of its founding. The county was named after a distinguished soldier and a United States Congressman, Hugh Haralson, and the county's seat, Buchanan, was named several years later after President James Buchanan.

Mr. Speaker, one of the most recognizable sites in the city of Buchanan is the courthouse, built in 1891, and currently listed on the National Register of Historic Sites. The courthouse is symbolic of Haralson County, for as the county has grown and changed over the past 150 years, it has never lost sight of its history and founding.

And though the county's founders might not recognize some of the recent additions, like the Honda plant, I know they would feel right at home in the warm communities that populate this county. Mr. Speaker, I ask that you and all of my colleagues join me in congratulating the citizens of Bremen, Buchanan, Tallapoosa, Waco, and all of Haralson County on this historic occasion.

PRESIDENTIAL RHETORIC VS. ECONOMIC REALITY

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, as a member of the Education and Workforce Committee, I am shocked at the difference between Presidential rhetoric and economic reality. Every time the President speaks about the state of our Nation, it becomes apparent just how out of touch he really is.

Last month, after meeting at Camp David with his economic team, the President told reporters that things are good for the American worker. Let me ask: What exactly is his economic team telling him?

The reality is that American workers are suffering, while corporate profits soar. Productivity in our Nation has increased, but the workers who are putting in the extra effort have no piece of that wealth they are helping to create. In fact, wages and salaries are at their lowest proportion of the economy, while corporate profits are at the highest level since 1960.

What that means for the average American worker is that they are working harder without receiving any real pay increase. Meanwhile, the companies they work for are reporting record profits. Something is wrong. We need to turn it around and have that reality work for the working people.

PRESIDENT HAS MISLED THE AMERICAN PEOPLE ON IRAQ

(Ms. WATERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker, the President of the United States continues to try and sell Americans on the fact that we should be in Iraq.

Mr. President, where is Osama bin Laden? Mr. President, you have spent over $300 billion on this occupation in Iraq. You have misled this country. We have over 2,700 soldiers that are dead and the occupation continues. We are less safe.

The real war is in Afghanistan. We have not dedicated the soldiers or the money there. That border between Afghanistan and Pakistan is a staging ground for our soldiers to be attacked, yet we wrap our arms around Mr. Musharraf, the President of Pakistan. They won't even let us come into Pakistan to get the terrorists who are attacking our soldiers.

It is time for the President of the United States to own up to the fact that he has made a mistake. He has misled the American people. We cannot continue this occupation. It is draining us of our resources, and it is placing us in real danger. Mr. President, go get Osama bin Laden.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will request once again that Members address their remarks to the Chair and not to the President.

□ 1030

RAISING THE MINIMUM WAGE

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today in support of raising the minimum wage. Less than a month ago in this body I voted against raising the minimum wage. Now why would I vote against raising the minimum wage? There is no Member in this House that supports raising the minimum wage more than I do. I clearly understand that a person cannot live on $10,700 a year. But it was a poison pill. As we said in the Florida House, it was the kiss of death because it was tied to an estate tax that would have taken trillions of dollars out of the budget and we would have had to cut education, health care and so many other programs that we care about.

The Bible says the poor will always be with us, but our job is to help raise the standard. Give us a clean bill on this floor and let's vote to help the American people.

IRAQ IS A DISTRACTION

(Mr. DAVIS of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Tennessee. Mr. Speaker, on Monday night, our President had an opportunity, after 5 years of 9/11, to again unify this Nation as he did in 2001. Instead, he chose to give a political speech that focused more on the war in Iraq than what he is doing now to secure this Nation against those really responsible for the attacks of 9/11.

Last month, the Republican cochair of the 9/11 Commission Tom Kean said, ''We're not protecting our people in this country. The government is not doing its job.'' That is from a Republican.

When Commissioner Kean was asked whether Iraq is preventing us from protecting our Nation, Kean admitted Iraq has been a distraction.

Five years ago and 2 days after 9/11, Osama bin Laden remains at large and the Taliban is resurging in Afghanistan. Since the Bush administration turned its attention away from Afghanistan to go into Iraq, roadside bombs have increased by 30 percent and suicide bombings have doubled.

Mr. Speaker, President Bush had a chance on Monday to level with the American people. It is time we turn our attention back to Osama bin Laden, who really was the one who was responsible for the 9/11 attacks. Let's get Osama bin Laden.

AMERICA CANNOT AFFORD TO STAY THE COURSE

(Mr. WU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WU. Mr. Speaker, it is indeed time for a change in Iraq. Our troops are currently caught in a deadly civil war between the Sunnis and Shiias, a war that is resulting in the death of American soldiers every night, and hundreds of Iraqi civilians every day. If there was ever a time to change tactics, now is that time.

House Republicans and President Bush cling stubbornly to the mantra ''stay the course,'' but slogans cannot substitute for strategy.

President Bush says American troops will still be on the ground in Iraq when he leaves office in 2009, and that would make the Iraq war longer than World War II. We cannot continue to be bogged down in Iraq's civil war. Conditions there are not getting better. According to the latest Pentagon report, things are actually getting worse and the war in Iraq has put an enormous strain on our military, resulting in military readiness levels at historic lows.

It is time we get back to fighting the real war on terror and not a civil war in Iraq.

REPUBLICANS PREFER TO PLAY POLITICS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, this week Republicans have turned to their two favorite political tactics: Smear and fear. It is bad enough that President Bush chose to use a 9/11 anniversary speech on Monday night not to unite this Nation with facts but instead to once again divide us by using his bully pulpit to instill fear into Americans with misleading statements.

Just 2 weeks ago the President said Iraq had nothing to do with 9/11, but once again on Monday night he spent the majority of his speech in the Oval Office talking about Iraq.

Why would the President talk about Iraq if he knows it had nothing to do with 9/11?

Mr. Speaker, he is trying to blur the issue so Americans will continue to tolerate his failed stay-the-course strategy that a majority of Americans have already rejected.

Democrats want a new direction for Iraq, with the responsible redeployment of U.S. troops beginning this year, in order to strongly position America to confront the global challenge of terrorism. Unlike the administration's current plan, our real security plan is a strategy for taking the fight to the terrorists to better protect Americans.

PROVIDING FOR CONSIDERATION OF H.R. 2965, FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT OF 2006

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 997 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 997

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2965) to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a structured rule providing for consideration of H.R. 2965, the Federal Prison Industries Competition in Contracting Act of 2006. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary which is now printed in the bill shall be considered as an original bill for the purpose of amendments and shall be considered as read.

The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution, and it provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Finally, Mr. Speaker, the rule waives all points of order against the amendments printed in the report and allows one motion to recommit with or without instructions.

Mr. Speaker, today we will debate reforming a government-owned corporation called UNICOR, which is more commonly known as the Federal Prison Industries. Federal Prison Industries, Incorporated, manufactures products and provides services that are sold to the executive agencies in the Federal Government. When the Federal prison system was established at the turn of the 20th century, factories were erected in Federal prisons to manufacture products for the Federal Government. President Roosevelt consolidated Federal Prison Industries into UNICOR in 1934 to provide training opportunities for inmates, control inmate behavior, and diversify production.

In fiscal year 2005, Federal Prison Industries generated $765 million in sales with all revenue reinvested in the purchase of raw materials and wages for inmates and staff. As of 2004, there were 102 UNICOR factories at 71 different correctional facilities working on operations such as metals, furniture, electronics, textiles and graphic arts. UNICOR currently employs 19,720 inmates, or 17 percent of eligible Federal prisoners, at a rate of 23 cents to $1.15 an hour and, by charter, must be economically self-sustaining without any Federal appropriations.

So, Mr. Speaker, the problem with the current system is the adverse impact it has had on small businesses which do not have the ability to compete with UNICOR's guaranteed market, even if they could provide a better deal for our government agencies.

Mr. HOEKSTRA introduced H.R. 2965, the Federal Prison Industries Competition in Contracting Act of 2005, with the fundamental objective of correcting this problem by eliminating the requirement for Federal agencies to purchase products from UNICOR under most circumstances.

H.R. 1829, the Federal Prison Industries Competition in Contracting Act of 2003 passed by a vote of 350–65 in the 108th Congress, and it is almost identical to this Federal Prison Industries Competition in Contracting Act of 2005, the notable exception being the authorization of a new work-based employment preparation program for Federal inmates where private sector firms can enter into agreements with UNICOR to prepare inmates to reenter society through real-world work and apprenticeships.

The Federal Prison Industries Competition in Contracting Act would change the 1934 statute of Federal Prison Industries by requiring UNICOR to compete, let me repeat, to compete for business opportunities instead of relying on a mandatory government purchasing, prohibits inmate labor from being sold separate from inmate products, provides more remedial education and vocational training opportunities for inmates, authorizes alternative inmate work opportunities in support of nonprofit community service organizations, and it allows the Attorney General oversight and discretion to award individual source contracts should UNICOR lose a contract and endanger the safety of a Federal correctional institution.

It establishes a $2.50 per hour minimum wage for prisoners who are within 2 years of release. It raises the maximum wage to half of the Federal minimum wage for all inmates by September 30, 2008, and equal to the Federal minimum wage by 2013.

Finally, Mr. Speaker, it increases the ability for public comment on proposed Federal Prison Industries expansions and ensures direct access to these comments by the board of directors.

Considering our Nation's tradition on promoting fair competition and with the support of organizations and business interests such as the Associated Builders and Contractors, the Coalition for Government Procurement, the National Association of Manufacturers, the National Federation of Independent Business, the Uniform and Textile Service Association, the United States Chamber of Commerce, and the Prison and Justice Fellowship, it should be reasonable to apply good business practices to prison labor.

Beyond fair competition, it is important to modernize the Federal Prison Industries program for this 21st century. UNICOR has operated on the same base model since 1934, despite diverse changes in labor and technology.

Our Federal prisoners are beyond the days of simply stamping a license plate for a penny a day. If we are to remain committed to rehabilitation and our Federal system of prisons, then we need a serious commitment to give prisoners reasonable work skills, reinforce acceptable behavior, and reinstate these prisoners to a real world work environment.

□ 1045

Furthermore, we need a system that is business friendly and is cost effective to our Federal Government.

I urge my colleagues to vote for swift passage of this rule, and, of course, H.R. 2965, the Federal Prison Industries Competition in Contracting Act of 2006.

I, Mr. Speaker, stand in support for both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. I thank Mr. GINGREY for the time, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to this rule and to the underlying bill. In 1934, Congress had established Federal Prison Industries, or FPI, a government corporation that employs inmates in Federal prisons to produce goods and services for the Federal Government.

FPI employs nearly 20,000 inmates in more than 100 prison factories to manufacture a number of products for the United States Government. Prisoners manufacture such items as clothing, textiles, fleet management of the vehicle components, graphics and industrial products in return for cheap labor. Inmates receive valuable job training opportunities that teach them the necessary skills that may help them become productive, hardworking citizens once they reenter society.

Under current Federal law, FPI is a mandatory source of goods and services for Federal agencies. That means, Mr. Speaker, that any agency that wants to buy at least $2,500 worth of goods and services must first seek to do so through FPI. If FPI cannot process an order, the agency is then given a waiver to make the purchase from another source.

Mr. Speaker, this legislation seeks to phase out the preference given to Federal Prison Industries in contracts with Federal agencies. Supporters claim that it is unfair to exclusively employ prisoners when small businesses and private firms want to secure contracts with the Federal Government.

However, I claim if it ain't broke, don't fix it. I claim that it is unfair to spend more than half a billion tax dollars to dissolve an effective and self-sustaining program. I claim that it is unfair to obligate an additional $75 million a year for the next 5 years to implement an educational and vocational program to replace an already successful educational and vocational program.

This seems to me to be an extraordinarily wasteful way to spend American taxpayers' dollars. As a former judge, I know the importance of prison

employment training programs. I personally witnessed the benefits of giving prisoners constructive work while they are incarcerated. While the Federal Prison Industries may need reform, I propose we seek other options. I propose we first ask the Bureau of Prisons what they think about reforming Federal Prison Industries.

I propose we ask the Federal agencies that receive FPI products and services what improvements can be made. I am not convinced that this particular bill is necessary or that it is the best solution in reforming Federal Prison Industries.

Finally, Mr. Speaker, I do not understand why this bill could not have been considered under an open rule. It was in the last Congress, and this same measure passed in the last Congress, 350–65, was not taken up by the U.S. Senate, is not going to be taken up by the United States Senate in the next 2 weeks and probably not even in a lame duck session.

There weren't very many of our colleagues who offered amendments at the Rules Committee last night, and of the Members who were not permitted to offer their amendments, Mr. SCOTT from the Judiciary Committee and Mr. ROHRABACHER, a Democrat and a Republican, each had thoughtful amendments, which the full House should have been given the opportunity to debate.

We didn't vote yesterday until 6:30 in the evening, and there isn't anything at least firm on the schedule on the floor Friday. So why not let the House work its will? Why continue to stamp out democracy here in the people's House while feigning to advocate democracy around the globe. It really kind of makes you go hmm, and it makes me wonder, Mr. Speaker.

For all of the above reasons, I urge my colleagues to reject this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I rise today to speak on the rule, not due to the merits of the bill before us, but because I am compelled to call to attention the complete debacle that I think is existing at the Federal Bureau of Prisons.

I rise on behalf of my constituents in a small rural town in Mendota, California, to demand that the Federal Government stay true to its word, as a focus to the core of this issue, to focus on what I believe is smart budgeting in addressing the security demands that evolved with our country, as well as the Federal Government's commitment to make good on its commitments.

In May of 2000 the city of Mendota was approached by the Federal Bureau of Prisons to build a medium security Federal correctional institution. The local elected officials, the community leaders have been strong supporters of this project and proud to provide the public service to our country, which also has the effect of encouraging economic stimulus that this prison would create.

As you see here, over $100 million has already been spent on the facility. It is about 40 percent complete. This photograph was taken about a week ago.

The funding, though, is now in jeopardy. The administration has proposed a rescission of $57 million in fiscal year 2002 and 2004 that has jeopardized the entire completion of this project. Mendota's contract is set to expire in October of this year, which, in this case, is anticipated that any new contract that will have to be reissued will cost the Federal Government and our budget 20 percent in additional dollars.

Yet the Bush administration refuses the request to add additional dollars, dollars to complete this facility. The administration's approach to funding in this case, in my opinion, is pennywise and pound foolish. There is no sound reasoning that would support cutting off the funding for the completion of this facility. We know what the issue is on the Federal level. We have, under the medium security facilities, currently over 37 percent over capacity throughout the country, 37 percent over capacity. The Federal Bureau of Prisons expects that they need to house 7,500 new Federal inmates annually.

In California, our institutional system is 89 percent over capacity, and the Department of Corrections expects an increase of over 4,000 inmates annually. This Mendota facility would provide 1,522 much-needed beds to help address this growing demand. The Federal Government has made a long-term commitment to construct and operate this facility.

To bring this project to a virtual halt would be unfair not only to the citizens of Mendota, who have over an 18 percent unemployment level, of which 42 percent of the population is living below the poverty line. The President would provide good jobs and a major boost to the very depressed local economy.

Now, when we talk about the administration's failure and their fiscal year irresponsibility to American taxpayers, I think this continues, when you begin to understand that the Bureau of Prisons proposes to begin the construction of two new facilities while they want to stop this one half completed. What sense does that make?

That is right, believe it or not, we have a half-built prison in California in the city of Mendota. It will cost the Federal Government $2 million a year to mothball this facility, to go in and to make sure that they flush the toilets and they do the other kinds of things necessary to keep it operational.

In closing, this is an untenable situation. It is an untenable situation for the city of Mendota. It is an embarrassment to this administration, which finds its credibility being shredded almost on a daily basis. It is clear that if the Bush administration refuses to provide the promised funding to this ongoing construction of this facility, this half-built facility will be standing proof to our administration's failure to keep its word and to honor its commitments.

Ladies and gentlemen, I urge that reconsideration be taken to this funding rescission and that, in fact, we offer good common sense as it relates to our Federal budget. It is not good fiscal responsibility to stop construction of a half-completed prison and begin the construction of two new facilities that have yet to be started.

Mr. GINGREY. Mr. Speaker, I don't question the gentleman from California's right to take an opportunity to advocate on behalf of his district and the construction of that Federal facility, and I am sure he knows of what he speaks. But getting more to the point of this particular bill, the gentleman, my good friend from Florida, wanted an open rule.

Of course, I understand that. I think if I were on the other side, I would always want an open rule as well. But in the spirit of openness, I want to point out to my colleagues, Mr. Speaker, that I think there were eight or nine amendments submitted. We accepted five. Three of those amendments to this bill were Democratic amendments, one was a bipartisan amendment. Yes, there was one Republican amendment.

The last time we passed this bill, there were something like, we had an open rule, and there were 14 amendments that were accepted. All of those amendments are included now in the text of this bill that we are discussing today.

I just want to point out that the process of bipartisanship and openness, Mr. Speaker, let me just tell you, and remind my colleague from Florida, and I know he is aware of this, but in the committee, the ranking member, Mr. CONYERS, supported this bill as did Mr. WATT, Mrs. MALONEY, Ms. WATERS, and Mr. FRANK. The main amendment that came through committee concerned this issue of training, of better training of our current Federal prison population to help them be better rehabilitated and have an opportunity, as they go out into the 21st century.

As we point out, we are trying to revise something that started in 1934 with people stamping license plates. There is a lot of modern technology, Mr. Speaker. I know all of our colleagues on both sides of the aisle understand that.

If there is some way that we can give that training to these people in the prison system who want to change their lives, and, as soon as they get out, they get a good job, maybe even go to work for one of these private companies that is helping provide for their training through this program, that was a wonderful addition to the bill.

□ 1100

That, in fact, was new since the last time this bill came up. Again, Mr. CONYERS, Mr. WATT, Mrs. MALONEY, Ms. WATERS and Mr. FRANK were all very supportive of that.

So the statement that ''if it ain't broke, don't fix it,'' I think it was broke, and I think my good friend from Florida's colleagues felt that it was broken, and in a bipartisan way we are trying to fix it.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume only to respond to my good friend from Georgia that I am prepared, as I am sure all Members in this body are, to stipulate that this is an important matter. The question that I would ask and answer rhetorically is, is this the most important thing that we could be doing here? If it is, I am missing something, because I did not see the minimum wage, I did not see port security, I did not see the appropriations bills. All we have done is two of the 13 up to now.

So if this is the most important thing, which has already passed in a previous session of Congress 350–65, and ain't going to pass the other body this week or next or before September 29, when the majority leader has said that we will go sine die during that particular weekend, I am here to tell you that this is a woeful response, and it is more than credible that it will make the suggestion that people make come to fruition that this is a do-nothing Congress, when in fact we are taking up something that may very well be important, but it sure ain't the most important thing to Jane and Joe Lunch Bucket in America.

Mr. Speaker, I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume for the purpose of closing.

The gentleman says that is not the most important thing, and I don't disagree with him. I think it is very important. It is not the most important thing. Of course, a lot of ''the most important things'' that he has mentioned this Republican majority has brought to the floor of this House and we have passed, some of that, most of it actually, in a bipartisan way, with support from the other side.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. GINGREY. Of course, I yield to my friend, the gentleman from Florida.

Mr. HASTINGS of Florida. Most quickly, have we done the appropriations measures, and can the gentleman assure me that between now and September 29 we will pass the rest of the appropriations measures in the House of Representatives?

Mr. GINGREY. Mr. Speaker, as the gentleman from Florida knows, we have passed I guess it is 10 out of 11. We may have one appropriations bill that has not passed the House. All of the rest have. We are waiting on the Senate. We are very confident that we will next week, given the leader's colloquy for what our schedule is, I can't say for sure, but it is my understanding we will be dealing with both the Homeland Security appropriation and the Department of Defense appropriation next week.

As I pointed out, we have passed all of these appropriations bills. We have done our work and we will continue to do our work. We are ready to receive those conference reports.

In the meantime then, what are we to do? Is the gentleman suggesting we sit over here on the leadership majority side and do nothing? Absolutely not, Mr. Speaker. We are doing our work.

This is a very important piece of legislation, and I want to thank my colleague from Michigan (Mr. HOEKSTRA) for sponsoring it and for being a tireless champion of reform for Federal Prison Industries.

As I discussed in my opening statement, it is important to protect the interests of business without diminishing the effectiveness of our Federal Prison Industries, also referred to as UNICOR. With H.R. 2965, the Federal Prison Industries Competition in Contracting Act of 2005, this Congress has an opportunity to promote fair competition and to update UNICOR for the 21st century, as I said earlier.

This body passed similar legislation with an overwhelming 350–65 majority. Federal Prison Industries are important for prisoner behavior control, for the safety of our Federal prison guards, and, furthermore, it serves as an opportunity, and this is most important, for inmates to learn skills necessary for life after prison. It helps reduce the number of repeat offenders and ultimately reduces the stress of our overcrowded prisons. My good friend the gentleman from California (Mr. COSTA), of course, mentioned that in describing the facility in his district that is so needed.

This current Federal Prison Industries system is outdated and it still operates off of the same executive order issued by President Franklin Delano Roosevelt in 1934. Considering the global economy and accounting for further changes and the needs and exchange of goods and services in this, the 21st century, it is important to update this program in order to preserve its efficiency for rehabilitating prisoners.

The Federal Prison Industries Competition in Contracting Act of 2005 would preserve the successful formula of the current system with the checks and balances of a competitive market. It is no longer in the best interests of our government or Federal prisons to have a guaranteed artificial market. Our current system is not fair to small businesses who wish to compete for government contracts, it is not fair to the executive agencies trying to work within a tight budget, and it is not fair for the education of prisoners who need to learn new job skills and the nature of a competitive market.

Outside of providing competition for outside businesses, H.R. 2965, the Federal Prison Industries Competition in Contracting Act of 2005 would prohibit inmate labor from being sold separate from inmate products, it would provide more remedial education and vocational opportunities for inmates, and it would authorize alternative inmate work opportunities in support of nonprofit community service organizations.

So, Mr. Speaker, in closing, I want to reiterate the diverse support of H.R. 2965, the Federal Prison Industries Competition in Contracting Act of 2005, including businesses, civic organizations and the unions. It is important to pass legislation to reform Federal Prison Industries in order to sustain the program for the 21st century.

I ask my colleagues, please support this rule and the underlying legislation.

Mrs. MALONEY. Mr. Speaker, I rise today in support of this legislation that will end the unfair government-sponsored monopoly enjoyed by Federal Prison Industries.

H.R. 2965 is a good bill that will protect the jobs of American taxpayers. According to the National Economic Council, 2.9 million manufacturing jobs have been lost since 2001. We should do everything possible to keep workers employed.

FPI is, not competing on a level playing field. It pays its workers just pennies and is not required to pay taxes. With its predatory practices, FPI has contributed to the closure of private companies and the loss of tens of thousands of jobs throughout the Nation. This legislation will ensure that contracts are awarded to the company that will provide the best products, delivered on time, and at the best prices, thereby saving taxpayer dollars and protecting good jobs. In short, the way the free market is supposed to operate.

H.R. 2965 also provides valuable alternative rehabilitative opportunities, including work in support of nonprofit, public service organizations, to better prepare inmates for a successful return to society.

The bill enjoys broad bipartisan support, and has previously passed the House overwhelmingly. Additionally, H.R. 2965 has support from much of the business community and organized labor.

I urge my colleagues to vote for this legislation and to oppose any amendment that will weaken the underlying bill.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H. RES. 994, EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES ON FIFTH ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 996 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 996

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 994) expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) four hours of debate equally divided and controlled by the Majority Leader and Minority Leader or their designees; and (2) one motion to recommit which may not contain instructions.

SEC. 2. During consideration of House Resolution 994 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the resolution to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule provides for 4 hours of debate in the House, equally divided and controlled by the majority leader and minority leader or their designees. It waives all points of order against consideration of the resolution and also provides one motion to recommit, which may not contain instructions.

Finally, it provides that notwithstanding the operation of the previous question, the Chair may postpone further consideration of the resolution to a time designated by the Speaker.

Mr. Speaker, we are here today, 5 years after the tragedy of September 11, to speak with one voice to let the world know that we have not forgotten the lessons of that terrible day. We are here to remember the thousands ruthlessly murdered by our enemies who hijacked four civilian aircraft and crashed them into the World Trade Center towers, the Pentagon and a field in Pennsylvania, and to recognize the unimaginable losses suffered by their families. We are also here to honor the sacrifices and the courage shown by our first responders who selflessly rushed to the flaming buildings in order to rescue the victims of these attacks.

We are also here to let our allies in the war on terror know that we stand united with them in the war on terror, and to recognize the progress that continues to be made by our Federal intelligence, law enforcement and security agencies in conjunction with intelligence, law enforcement and security agencies of our allies, in keeping Americans safe. And we are here to remind these allies and to place our enemies on notice that we will never shirk from the war on terror and that we will never forget what happened on September 11, 2001.

The six-page resolution should be recognized by every Member of this body as an opportunity to remember our Nation's tragic loss and to encourage every American to do the same. It is an opportunity to extend our sympathies to the families of the lost and to honor those who risked their own lives and health trying to protect the lives and health of others.

It is an opportunity to extend our gratitude to our intelligence and military personnel serving at home and abroad and their families for their service. It is to thank the citizens of other nations who are contributing to the effort to defeat global terrorism.

More importantly, it is an opportunity by this body to reaffirm that we remain vigilant and steadfast in the war on terror, that we remember the sacrifices made by so many innocent Americans on September 11 and that we will never succumb to the cause of terrorists.

Mr. Speaker, the resolution that will be brought here before the House for a vote is an earnest, heart-felt and comprehensive resolution putting the House on record and standing once again against terrorism.

This House already has a strong record on this topic and has already passed a number of bills designed to accomplish the main goal laid out in this resolution, to remember the lessons of 9/11 and to honor the victims by preventing another attack on American soil. We have voted to give our law enforcement the tools they need to prosecute the war on terror in the United States and throughout the world, and through the passage of the USA PATRIOT Act and its reauthorization we have once again reaffirmed that.

We have voted to implement a key component of the 9/11 Commission by creating Federal standards for the application process in the issuing of State identification cards through the REAL ID Act.

□ 1115

And this House has voted to secure our borders through the Border Protection, Antiterrorism, and Illegal Immigration Control Act and to defend our ports through the Security and Accountability for Every Port Act. We have made important reforms in the intelligence community through the Intelligence Reform and Terrorism Prevention Act and provided our first responders with the resources that they would need with our annual Homeland Security authorization and appropriations process.

Mr. Speaker, this House has accomplished a great deal on behalf of the American people to ensure the citizens of the United States that they can be safe here and abroad, but we understand that this job is not yet done. Next week the House is scheduled to consider legislation that will build upon all of this hard work, legislation to further boost our national security and to give our law enforcement the tools it needs to prevent our shadowy, ever-shifting, and determined enemy to once again demonstrate that we do not rest in the war on terror and that we will not forget.

I encourage all of my colleagues to join me in supporting this rule to let our allies and our enemies alike know that we will continue the war on terror both in memory of those murdered on September 11 and for the generations still to come who will look back and evaluate our ability to put partisanship aside and to stand together on behalf of our Nation, our citizens, and, in fact, our civilization.

I encourage all of my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Texas (Mr. SESSIONS), my friend, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, today we remember that terrible day of September 11, 2001. We continue to mourn for those who are lost. Our hearts continue to ache for the loved ones left behind. We honor those first responders who saved so many lives. We continue to stand firm as we pursue justice against those who perpetrated those attacks. And we remain committed to finding and eliminating terrorists around the world.

Mr. Speaker, almost every year since 2001, Congress has passed resolutions commemorating the September 11 attacks. In past years those resolutions have been thoughtful, appropriate, and solidly bipartisan, as they should be. Sadly and unfortunately, that is not the case this year.

Instead, the Republican leadership of this House has chosen to include controversial language in the resolution, including language celebrating the passage of legislation that many of us, both Democrats and Republicans, find to be deeply problematic.

For example, the resolution before us celebrates the passage of the USA PATRIOT Act, which I and many others, Republicans and Democrats, believe went too far in sacrificing American's constitutional civil liberties.

Rand Corporation terrorism expert Brian Michael Jenkins recently made

this point very well. He argues that strengthening America must involve preserving American values. And I quote: ''We cannot claim to be a Nation of laws, a champion of democracy, when we too easily accept a disturbing pattern of ignoring inconvenient rules, justifying our actions by extraordinary circumstances, readily resorting to extrajudicial actions based on broad assertions of unlimited executive authority, and espousing public arguments against any constraints on how we treat those in our custody. The defense of democracy demands the defense of democracy's ideals. To ignore this is to risk alienation and isolation. And defeat.''

Additionally, Mr. Speaker, the resolution before us celebrates the 2005 passage of what many of us consider to be a punitive, controversial immigration bill, a bill that couldn't even pass the Republican Senate and a bill that President Bush does not even support.

Mr. Speaker, it did not have to be this way, and it should not be this way. On Monday night the United States Senate passed its own version of the September 11 resolution, S. Res. 565, and I will insert a copy of the Senate bill at the conclusion of my remarks.

Mr. Speaker, the Senate bill approaches this issue the right way. It sticks to remembering the victims, condemning the attacks and their perpetrators, recommitting the United States to fighting terrorism, and commending the members of our Armed Forces, law enforcement personnel, first responders, members of the intelligence community, and others who are on the front lines of this effort. The Senate bill was cosponsored by every single Senator, Republican and Democrat. Every single Senator put their names on this bill, and it was passed unanimously. For the life of me, I cannot figure out why the same thing is not good enough for the leadership in this House. Why on this subject, where unity is vitally important, does the leadership of this House seek disunity? Let us commemorate, not politicize, September 11.

This resolution should not be a Republican resolution. It should be a resolution that defies party label. I am worried that some in this House are so consumed with politics that they would use this terrible tragedy for partisan gain, and I find that offensive.

The resolution before us also states as fact that ''the Nation is safer than it was on September 11, 2001.'' Mr. Speaker, I would argue that the actions of this administration, particularly the war in Iraq, have made us less safe. Five years ago the world stood in sympathy and solidarity with America. Today, America's standing in the world is at the lowest point in history. Mr. Speaker, we invaded and now occupy a country that posed no imminent threat to the United States. Despite definitive and repeated findings that there were no ties between Iraq and al Qaeda, a finding most recently echoed by the Republican-controlled Senate Intelligence Committee, the President and Vice President continue their misleading efforts to link al Qaeda, Osama bin Laden, Iraq, and 9/11 all together.

The war in Iraq and the war against terrorism are distinct. The present Iraq policy, many of us believe, has made us less safe and must be changed. Even our top generals in Iraq have conceded that our policy in Iraq has actually produced more terrorists. This does not make us safer, Mr. Speaker. It makes us more isolated and more vulnerable in an increasingly dangerous world.

We know that resources were diverted from Afghanistan, where the 9/11 deadly plot was born, in order to invade and occupy Iraq. And we know now that the trail of Osama bin Laden, the mastermind of 9/11, has grown stone cold. We know that the President's policies in Iraq have put an enormous strain on our military, with U.S. military readiness levels now at historic lows.

We know that the independent 9/11 Commission has just issued a 5-year report card on President Bush and the Congress filled with D's and F's on homeland security. And I think we all know, if we are being honest with ourselves, that we in this Congress have underfunded so much of our homeland security.

We know that the invasion and occupation of Iraq has increased the budget deficit to record proportions because this administration and Congress have done what no other President and Congress have ever done in the history of the United States: they have continued to fund this war completely outside the normal budget and to grant a series of tax cuts to the wealthiest of the wealthy during a time of war.

And we know, Mr. Speaker, that Iraq is rapidly descending into an ethnic and religious civil war with a daily civilian toll that tells every single Iraqi that nowhere is safe from violence, not their homes, not their jobs, not their schools, not even their hospitals.

Mr. Speaker, this resolution could have been, should have been a thoughtful, bipartisan commemoration of September 11, its victims, and the men and women who fight to protect us each and every day. That is what we should have on the floor today. Unfortunately, the resolution before us does not meet that standard.

Members of this House have differences about policy. There are differences about the war in Iraq, and I respect and appreciate my colleagues on the other side of the aisle who have a very different opinion on this war than I do. We have differences about protecting civil liberties. We have differences about how best to deal with immigration. But there are no differences, there are no differences, when it comes to honoring the memories of those lost on September 11. There are no differences when it comes to commending the men and women on the front lines of the war on terror. And there are no differences when it comes to the desire to protect this country from future terrorist attacks.

Mr. Speaker, I regret that the leadership of this House, during this most solemn week, has chosen not to focus solely on the things that bring us together as Members of Congress and as Americans.

S. RES. 565

Whereas on September 11, 2001, terrorists hijacked four civilian aircraft; crashed two of them into the towers of the World Trade Center in New York City; and crashed the third into the Pentagon outside Washington, DC;

Whereas the fourth hijacked plane, United Airlines Flight 93, crashed in Somerset County, Pennsylvania, near the town of Shanksville, after the passengers and crew of that flight struggled with the terrorist-hijackers to take back control of the plane, ultimately preventing the flight from reaching its likely destination in Washington, DC;

Whereas the heroic actions of the rescue workers, volunteers, Federal, State and local officials who responded to the attacks with courage, determination, and skill are to be commended;

Whereas thousands of innocent Americans, and civilians from many other countries, were killed and injured as a result of these attacks;

Whereas Congress declared, in the aftermath of the attacks, September 12, 2001 to be a National Day of Unity and Mourning;

Whereas there has not been a terrorist attack on the United States homeland since the terrorist attacks five years ago; but al Qaeda has perpetrated terrorist attacks throughout the world against U.S. persons, facilities, and interests, as well as U.S. allies during that time; Now, therefore, be it

Resolved, That the Senate:

(1) commemorates the life of each individual who died as a result of the attacks of September 11, 2001;

(2) extends its deepest condolences to the victims of these attacks, as well as to their families, friends, and loved ones;

(3) once again condemns in the strongest possible terms the attacks, the terrorists who perpetrated them, and their sponsors;

(4) commits to support the necessary steps to interdict and defeat terrorists who plot to do harm to the American people;

(5) recommits itself and the nation to bringing to justice the perpetrators of the attacks, along with their sponsors;

(6) honors and expresses its gratitude to members of its Armed Forces, law enforcement personnel, first responders, members of intelligence community and others who have bravely and faithfully participated in the War on Terrorism since September 11, 2001;

(7) declares September 11, 2006, to be a National Day of Remembrance, in commemoration of the terrorist attacks against the United States on September 11, 2001; and

(8) declares that when the Senate adjourns today, it stand adjourned as a further mark of respect to each individual who died as a result of the attacks of September 11, 2001.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman, my colleague, from Massachusetts does clearly talk about the differences of opinion that we have, and I respect that difference. I would also say that this body has an obligation to move forward and work on issues that we think are correct and right. And quite honestly, Republicans do see what has happened to

this country, I believe, in a significantly different way than what my colleagues, the Democrats, see.

Several months ago we had a vote, and we have done this several times, but a vote on the intelligence bill where the Democrat Party wanted and had a vote on the floor that would require law enforcement and intelligence to release every single name of every single person under investigation by the FBI and intelligence agencies to the Congress, to nonlaw enforcement officials. These are the kinds of ideas that Ms. PELOSI and the Democrats have about how we go about protecting this country. We politely disagree.

The resolution here today is not about policy as it relates to what we are trying to pass today. It is about how this act that happened on 9/11 we will not forget. We will thank the men and women who protected us that day. We will stand behind the men and women of our military and intelligence organizations. We give thanks to the families who are here in this country whose loved ones serve on the front lines. And, lastly, we will let our allies know and the terrorists know that we will stay to the end. That is what this resolution is about.

Mr. Speaker, I yield such time as he may consume to the chairman of the Rules Committee, Mr. DREIER.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. And I want to congratulate the gentleman from Dallas for his very hard work and superb management of this important resolution that we are considering here.

Mr. Speaker, 5 years ago this week, an act of war pierced the security and peace of our Nation. The murder of nearly 3,000 by terrorist fanatics shook our country to its core and stirred within each and every one of us the determination to defend our freedom and our liberty with all of our might.

The global war on terror, a war that we did not start, has delivered many successes. Most of the top leadership of al Qaeda have been captured or killed. In Iraq and Afghanistan, where terror was once cultivated and exported, 50 million people now have democratically elected governments. Some of the most wanted terrorists in Iraq, such as Osama bin Laden's deputy Abu Musab al-Zarqawi, are no longer free to wantonly murder.

There have been quiet successes that fall beyond the scope of the military and away from the field of battle, Mr. Speaker. Following passage of the PATRIOT Act, we have seen terrorist cells that have been broken up here in the United States, five in particular, domestic terrorist cells that have been broken up because of the existence of the PATRIOT Act.

□ 1130

And we have also seen the breakup around the world of these cells because of legislative initiatives that we have taken since September 11, 2001. The Justice Department has won 253 convictions in terror-related cases across the United States.

Intelligence gathering and cooperation between allies resulted in foiling a plot to blow up commercial airliners flying from London to the United States just weeks ago. It is absolutely essential that those in charge of keeping us safe have every tool necessary to do so.

The results of these diplomatic, intelligence, and military efforts are encouraging. Five years after September 11, 2001, our homeland has not been attacked again, and that seems to be so often forgotten, Mr. Speaker. Every day we thank God that, because of what we have done and because of the initiative of our courageous men and women, the United States of America has not seen an attack in 5 years, when many predicted that we would see them follow immediately following September 11, 2001. Yet, as the years prior to 9/11 proved, periods of security at home can lead to a false security. An enemy that has no regard for human life and no tolerance for freedom is an especially fierce foe. They act and operate according to the belief that, in the words of Osama bin Laden, and I quote, ''death is better than living on this earth with the unbelievers amongst us.'' Those are the words of bin Laden.

Mr. Speaker, like the Cold War, the global struggle will be measured in decades, not years or months. While it is important and appropriate to question the tactics used in the global war on terror, there can be no doubt that it is critical to stay vigilant, stay committed, and stay on the offense. There have been many trying and somber days in the prosecution of this war, and there will be many more to come. We are especially thankful, as the gentleman from Dallas just said, to our men and women in uniform, from local law enforcement to those in the military. We offer our deepest appreciation for the opportunity they have given our Nation to know safety and freedom.

Now, Mr. Speaker, as we proceed with this legislation, I am convinced that, contrary to what was said by my friend from Massachusetts, this resolution will enjoy strong bipartisan support just as resolution after resolution that we have passed since September of 2001 have enjoyed.

Now, I have gone through and looked at past resolutions that have enjoyed great support from Democrats and Republicans in this House, and they have gone through many of the things that we have done to recognize what it has taken to be successful. And I believe that focusing on our border security is critical for that, and that is why the House-passed version of the border security measure was important. And I am pleased that we have the chairman of the Homeland Security committee, Mr. KING. He has worked very hard on this and testified yesterday on behalf of the nexus between our security and the fact that border security is national security.

Similarly, we have found that by breaking up the financial network through legislation like the SWIFT program, which has enjoyed great success, and unfortunately was disclosed in the media, we have had success in breaking up the financial aspect of those who would do us in because of the initiatives that we and this administration have taken. Mr. Speaker, I would argue that had we not taken the initiatives that we have over the past 5 years, things like the PATRIOT Act, we would not be here today without having suffered another attack on our soil.

Today, we express our condolences, our thoughts and prayers with the families and the loved ones of those what paid the ultimate price on September 11, 2001, and the single best thing that we can do for every single one of them and their families is to ensure that we put into place the tools necessary so that it will never, ever happen again.

Mr. MCGOVERN. Mr. Speaker, I appreciate the comments from both my friend from Texas and my chairman of the Rules Committee, Mr. DREIER, the gentleman from California, and I would just say that that was a really good campaign speech as he went through a litany of issues. But this is not a day for campaign speeches.

Mr. DREIER. Would the gentleman yield?

Mr. MCGOVERN. Once I finish my sentence.

Mr. DREIER. I was just accused of making a campaign speech when I am talking about the reverence of September 11.

Mr. MCGOVERN. And I would say to the gentleman that on Monday, those Members who were in town, Republicans and Democrats, gathered on the East Front of the Capitol in solidarity. There were no campaign speeches, there was no politics. People gathered in solidarity together to commemorate those who lost their lives and to honor those who gave such tremendous sacrifice on September 11th.

The United States Senate on Monday night had a resolution that every single Member of the United States Senate, Republican and Democrat, both, all co-sponsored and passed unanimously. There was unity. There was a desire not to debate the PATRIOT Act, not to debate the House version of the Border Security bill which the Republican-controlled Senate doesn't like and even the President doesn't like. It was about putting all those issues aside where there are differences, not just between Democrats and Republicans, I would say to the gentleman from Texas, but on issues like the PATRIOT Act there were a number of Republicans who had concerns about it.

So this is not about one party versus the other. But on an issue like this involving commemorating the terrible tragedy of September 11 and honoring those who sacrificed their lives, I

would like to think in the spirit here of what happened Monday night and using the example of what went on in the United States Senate, that we could rise to the occasion.

Mr. Speaker, I would yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, let me begin by saying it was within our leadership that I first mentioned the idea of our once again singing God Bless America on the East Front of the Capitol, and I believe that that was a very important moment to once again let the American people know that we stand together, and it was my hope that we would be able to see strong bipartisanship as we proceed in these coming weeks following the fifth anniversary of September 11.

I also would like to say that as we look at this resolution, and a strong attempt was made by our leadership team to work with Members of the minority to fashion a resolution that would enjoy bipartisan support. And I believe that it is essential for us to recognize the tools that have allowed us to ensure that we have not suffered another September 11. And I deeply resent being accused of making a campaign speech as we revere the lives that were lost on September 11.

Mr. MCGOVERN. I thank the gentleman for his comments and reclaim my time.

Mr. Speaker, let me state for the record that in 2002, when we had a resolution on this issue, it passed unanimously. In 2004 and 2005, the resolutions that were brought to this floor were jointly sponsored by Representatives HYDE and LANTOS both times. There was an effort at bipartisanship then, and I think that is the model. That is the model we should be following here. The bottom line is this is not a resolution that has been produced as a result of bipartisan consultation.

But let me go back to the point I was trying to make in the beginning, and that is, this is a very solemn week, and we should not be doing anything but trying to bring this House together like they did in the United States Senate so that we speak with one voice and that we make it clear that we are together when it comes to commemorating those who lost their lives and those who have sacrificed so much and those who continue to put their lives on the line for the protection of all people.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would simply like to say that I think the gentleman from Massachusetts makes a very important point. We have seen resolutions since September 11, 2001 pass unanimously and enjoy strong bipartisan support. I would recommend that my colleagues look at the resolutions that were passed year after year since September 11, 2001, and recognize that in those resolutions we talked about the different tools and the things that have been utilized to ensure that we win the global war on terror. We want this to be bipartisan. Mr. Speaker, I will predict that when this resolution is voted on, that it will enjoy strong bipartisan support.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield to the gentleman from Georgia, Dr. GINGREY, 4 minutes.

Mr. GINGREY. Mr. Speaker, I rise today in strong support of this rule and the underlying resolution. As we just marked the fifth anniversary of the September 11 terrorist attack launched against the United States, it is more important than ever that we stand united in condemning terrorism as we engage in this epic battle for the future of civilization.

In this war on terror, Mr. Speaker, we are not in a battle of civilizations, we are in a battle for civilization, and our enemies are actively and aggressively adjusting their tactics while waging their terrorist war of religious intolerance against the free nations of the world.

Our government has achieved many successes in this war and we have made substantial progress. We have enacted strong legislation, including the PATRIOT Act and the Homeland Security Act of 2002 which created the Department of Homeland Security. We have strengthened our borders and ports through the Enhanced Border Security and Visa Entry Reform Act of 2002 and the Maritime Transportation Security Act of 2002. We have funded our first responders in the amount of $41.5 billion. Our intelligence agencies are working together like never before, thanks in large part to the Intelligence Reform and Terrorism Prevention Act of 2004.

While many of our political opponents have disagreed with our efforts, these changes are directly responsible for preventing another attack against our Nation since 9/11.

Thanks to our counterterrorism techniques, the United States and our allies have foiled several terrorist plots, disrupted terrorist cells, including several in our own country, and brought many high-profile terrorists to justice.

Just one month ago, Mr. Speaker, British authorities in London foiled a plot to blow up as many as 10 United States bound commercial airliners. The cooperation of British and American intelligence and counterterrorism authorities that led to the foiling of this plot is proof of two indisputable facts: First, we cannot let our guard down in the fight against terrorism; and, second, the steps Congress has taken since the tragic events of 9/11 are indeed working.

It is therefore critically important, Mr. Speaker, that we continue giving America the tools it needs to fight the global war on terror.

As stated by the 9/11 Commission, we must continue making strides and using terrorism finance as an intelligence tool. It is absolutely appalling that, in the light of this, 174 of my Democratic colleagues still voted against H. Res. 895, legislation supporting intelligence and law enforcement programs that track terrorists and condemning the publication of any classified information that could potentially impair the fight against terrorism. Not only did House Democrats vote against making the Committee on Homeland Security permanent at the beginning of this Congress, 120 of them opposed the creation of Homeland Security in the first place.

Mr. Speaker, no matter how much we have at times disagreed on how to prosecute the war on terror, none of us will ever forget the attacks of September 11. Let me be clear. By supporting this resolution, we are standing strong and sending a message that we will continue fighting the terrorists. We will prevail no matter how long it takes. We are telling the terrorists that they will never again catch us off guard, and that an enemy committed to the death and destruction of the American way of life will not prevail. I know the strength of America, I know the strength of her people, and I know that we will be victorious in this fight for freedom. We must continue honoring the memory of those heroes who died on 9/11 by standing strong against terrorism and taking the fight to the enemy.

This resolution simply reaffirms our commitment, and it deserves, as our chairman and Mr. SESSIONS said, the full support of this fight. I hope all of my colleagues will join me in supporting this rule and the underlying resolution.

Mr. MCGOVERN. Mr. Speaker, I would like to remind some of the previous speakers here that the title of this bill, H. Res. 994, is expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001. And I do that because we have heard a lot of speeches here and we have talked about a lot of different issues that are separate from commemorating those who lost their lives, those who sacrificed on September 11, those who continue to protect our country.

□ 1145

We have talked about the PATRIOT Act and border security. We have talked about a whole litany of things, and those are all certainly important issues and legitimate issues for us to discuss, how best to protect this country. Those are things we should be debating here on a regular basis on the House floor, but they are controversial, some of these initiatives. They are controversial with a lot of Members of your own party.

I wish we would get back to the point that this resolution here today, and what some of us are troubled by, is that this should be about unity and this should be about honoring those who sacrificed, those who lost their lives, those who have served our country so well. That is what this should be about and not a litany of controversial items that you want to promote during a campaign year.

If you want to do that, do it in a separate resolution, take up a separate bill, but we should all be together when it comes to a resolution on September 11.

The United States Senate got it right. They got it right over in the United States Senate. We should do the same here in the House.

Mr. Speaker, I reserve my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we think we got it right. We think we did the PATRIOT Act right. We think we did intelligence authorization right. We think we do a lot of things right around here. We are going to stand up for this country, Mr. Speaker. We are going to stand up for the men and women who protect our country. We are going to stand up and give the men and women of the intelligence community the things that they need.

Today, it is right and fitting to say thank you; we will not forget and we will be vigilant to protect this country. That is what this resolution is about.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. KING), the chairman of the Homeland Security Committee.

Mr. KING of New York. Mr. Speaker, I thank the gentleman for yielding, and I in particular appreciate the opportunity to be able to speak on this issue, an issue which I believe is vital to the history of our Nation and indeed to the future of our Nation.

As the sponsor of the legislation and chairman of the Homeland Security Committee, I took a special interest in doing all that I could to ensure that this resolution would reflect the thinking of the Congress and would not be at all provocative.

But the fact is, September 11 was the darkest day in our Nation's history. It was also a day of exceptional bravery and courage, and year after year since September 11, 2001, we have expressed this sense of the Congress, we have expressed the sense of the House. We have pointed to the tremendous bravery that occurred that day, the actions of the police and the fire and the emergency workers. We have certainly referred to the terrible suffering that occurred that day.

But also, it is essential we not just lament what happened that day, not just acknowledge the suffering of that day, but I believe we owe it to history to show what Congress has done. It is not enough just to say we feel sorry for what happened. It is important we show what we are doing, what we are doing as Members of Congress, to respond to the horrors of that day.

In putting together this resolution, the leadership on our side of the aisle reached out to the other leaders certainly. On my committee, we reached out to Democratic members of our committee trying to put together a resolution, and the fact is the gentleman from Massachusetts, who is a good friend of mine, he acts as if this resolution this year is so markedly different than what was passed in previous years.

Well, if you go back to 2004, the resolution referred to introduced by Mr. HYDE and Mr. LANTOS, H. Res. 757, it goes through a long listing of what has been done since September 11, 2001. It refers to the war in Iraq as being part of the war against terrorism. It refers to port security and border security, to the Terrorism Threat Immigration Center. It talks about taking away the financial assets of terrorists. It goes on and on, listing a number of issues which apparently today would be considered extremely controversial.

We make no reference at all to Iraq in today's resolution, other than to mention the men and women of our Armed Forces who are in Iraq and Afghanistan. We make no mention of the NSA electronic surveillance program which enjoys the support of the overwhelming majority of American citizens. We make no reference to the SWIFT program, which is going after the terrorist finances, which was to me in violation of the Espionage Act released on the front page of the New York Times. Even though it is entirely legal and entirely effective, we make no reference to that, but we do talk about the PATRIOT Act because that was a response of Congress.

Now, history may judge that we did the wrong thing. I am absolutely convinced we did the right thing in passing the PATRIOT Act, and I think we owe it to the American people to let them know what we did. Also, maritime security, intelligence reform, port security, immigration reform, all of these are tied to the issue of international terrorism.

This is the way Congress responded, and I think it is not enough just to say it was a tragedy that happened on September 11. Let us talk about what we did.

The gentleman from Massachusetts says he objects to the language in here that we are safer since September 11. Okay. Maybe we can have an honest difference of opinion on that. The fact is, even the co-chairmen of the 9/11 Commission say we are safer today than we were on September 11. The junior Senator from my State has said we are safer now than we were on September 11. These are certainly not Republican apologists.

Quite frankly, while I understand the good faith on the other side, I as a person who lost almost 150 friends, neighbors and constituents resent the fact that by us introducing the resolution this is a campaign speech.

As I was going to commemoration after commemoration on Monday, I did not say this as being part of the campaign. To me, this is our way of responding. Again, you may be right, and maybe in the future people will say it was wrong to break down the wall between the FBI and CIA and it may be wrong to be going after terrorist assets and it may be wrong to listen in on terrorist conversations. So be it. Let history be our judge.

But let this resolution stand for what Congress has done, is doing and wants to do if we are serious about winning the war against international terrorism.

If we want to talk about campaigns, I would wonder where were you in 2004 when a resolution, if you want some partisan references, by your definition would be far more partisan than we are introducing here today or is it perhaps that the political party has been changed somehow, and now what was more than acceptable in 2004 is not even remotely acceptable today?

So, if we are going to inject politics into it, let us be honest who is raising the political issue. I know that our leadership and the Speaker of the House went out of his way and their way to try to make this a bipartisan resolution. I certainly did. When you compare what we are stating today and what we stated in 2004, to me there is no doubt over who is being partisan and who is trying to exploit this issue. I find that wrong.

I am saying I am proud to stand with this resolution. I am proud to support it. I urge the overwhelming majority of Republicans and Democrats to put aside partisanship, you do not have to agree with every word of our resolution, to say that Congress has responded and has done its best to respond to the attacks of September 11.

Again, let history be our judge. I am more than willing for history to be our judge, and I am proud to stand on the record of the Congress, Republicans and Democrats, and I urge the adoption of the rule and urge the adoption of the underlying resolution.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would just respond to the gentleman by again pointing to what the other body, the United States Senate, did where 100 Senators, Democrats, Republicans, came together as one, cosponsored a resolution and voted unanimously for a resolution.

That is what we should be doing during this solemn week, not introducing legislation that inspires, quite frankly, the kind of debate that we have here today about issues that really are not about commemorating that day but issues that are highly controversial, ranging from everything to immigration to civil liberties to you name it. That is not the way we should be doing this.

Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I am very much opposed to this rule. This is an issue that deserves a lot more attention than is allowed under this rule. It is a closed rule, has no opportunity for amendments.

Let me just cite one example of the language in this resolution which needs much more attention than is provided under this rule and frankly within the resolution itself.

In the resolution, it says that the United States today is safer than it was on September 11, 2001. I disagree with that, and I think a great many people disagree with it because all of the evidence points in the other direction. We are not safer today than we were.

Why are we not safer? Primarily because the administration and the leadership in this Congress corrupted the attack against the United States on September 11, 2001, and behaved in ways that have made the Nation less safe.

Instead of focusing on the perpetrators of the attack of September 11, 2001, the al Qaeda network and the leader, Osama bin Laden, the administration and the Defense Department backed off. They let him escape and he is free today.

The fact of the matter is 19 members of al Qaeda attacked the United States on September 11, 2001. There was a handful of them in addition to those 19. Now that number has grown enormously. There are far more members of al Qaeda and associate terrorist networks spread all over the Middle East, and they are engaged in activities which constitute a threat to our country and many others.

Subsequently, the attack against Iraq was a totally corrupt response to the attack of September 11, 2001. Iraq had nothing to do with that attack, nothing whatsoever.

The President in his speech to the country the other night said the regime of Saddam Hussein represented a great threat. That is not the case. All of the intelligence indicates that Saddam Hussein represented no threat whatsoever to the United States, just as all the intelligence now makes it very clear that there was no connection between Saddam Hussein or Iraq and the attack of September 11 against the United States, and there was no evidence of weapons of mass destruction in Iraq.

So, instead of attacking the people who attacked us, the administration, with the consent of this Congress, attack another country that had nothing to do with it. The fact of the matter is the world and our country today are far less safe as a result of the way in which the administration and the leaders of this Congress behaved.

We need to live up to our obligations here in the Congress. We need to conduct an investigation as to why the administration behaved the way it did. Why did it not pursue the people who attacked us, why did it let Osama bin Laden go free, why did we attack Iraq which had nothing to do with this, why did the President of the United States say that Iraq had weapons of mass destruction when all of the intelligence indicated that there was no evidence that there were weapons of mass destruction, no chemical or biological weapons left and no nuclear weapons program?

So the fact of the matter is that this resolution does not focus on the issue the way it ought to be focused upon, and this rule does not provide us the opportunity to expand the resolution, to offer amendments, to engage in the kind of debate that this issue needs so that the people of this country can understand exactly what has been happening to them.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from New York described his disagreement with the administration. I understand that. We had seen the administration before this President ignore, completely ignore, the advice from the CIA. As a matter of fact, I remember at least one CIA director resigned under President Clinton because he could not get President Clinton to pay attention to more than 3 hours in a month to the intelligence needs of this country.

We have already talked about how vote after vote after vote by the Democrats that they choose to gut our ability, in my opinion, to effectively not only have law enforcement but to chase down those that may do harm against this country.

Some choose to characterize that we are not safer today than what we were before the attack. I completely disagree with that. I would completely disagree with that because I think every single American that day learned of the tremendous forces that were aimed at the United States that we had really been completely unaware of before.

So I think that we are better off today. Are we absolutely safe? No. Are we safer? Yes, we are, and we have a responsibility to maintain that line of defense.

This resolution has nothing to do with that. It is a resolution, the force of this body, to say we respect the men and women who on 9/11 gave their lives; we are sorry for the men and women who have been injured as a result of that; we are going to support our military; we are going to support the families and we will never forget; and we are going to back up our allies; and we are going to make sure that we get it right. That is what this resolution is about.

Mr. Speaker, I reserve the balance of my time.

□ 1200

Mr. MCGOVERN. Mr. Speaker, let me just take issue with the gentleman from Texas. He says this whole question of the Nation being safer than it was on September 11, 2001, has nothing to do with this resolution. Well, that is what it says in this resolution, if he reads the resolution. There are some things contained in this resolution that people over here, and that people on both sides legitimately have some questions with.

Mr. Speaker, may I inquire how much time remains.

The SPEAKER pro tempore. The gentleman from Massachusetts has 11 minutes remaining and the gentleman from Texas has 2½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I will close for our side.

Mr. Speaker, the issue about whether or not the Nation is safer than it was on September 11, 2001, is a legitimate topic for debate, but not on this resolution. The issue of the PATRIOT Act, there are differences on that. I have a lot of reservations about the PATRIOT Act, as do many Republicans. That is a legitimate debate we should continue to have. The issue about how best to protect our borders is a serious and important and legitimate issue. President Bush and Senator MCCAIN have one opinion on how we should do it, which I think makes a heck of a lot more sense than the view of the Republican majority in this House, but that is certainly a legitimate debate. But it doesn't belong in a resolution commemorating the lives and the sacrifices of those individuals on September 11, 2001.

And I guess I wish that just once, just once the leadership on the other side of the aisle could bring to this floor a piece of legislation, especially on an issue like this, that is not stained with politics. Why does everything have to have a political slant to it? I think people are sick of it, I really do. I think on issues like this people want us to come together, as we have done in the past, as the other body has done, and speak with one voice. Let us not make this into something it shouldn't be.

So, Mr. Speaker, I am asking Members of this House to vote ''no'' on the previous question so that we can consider a much better resolution, one that respectfully commemorates this most somber occasion. If the previous question is defeated, I will amend the rule so that instead of voting on the divisive partisan resolution made in order under this rule, we will consider the text of the truly bipartisan resolution that was adopted in the Senate on the fifth anniversary of September 11.

Not only was this measure passed by unanimous consent in the Senate on September 11, the actual day of the anniversary, it was cosponsored by every single Member of the United States Senate: every single Democrat, every single Republican.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, this is the resolution we should be considering today, and let me tell you why. It was not written for political gain or for 30-second sound bites. It was written with the sole intent and purpose of remembering the tragic events of September 11, 2001, and to honor and mourn the victims of that horrific day.

I think we owe it to the people of this great Nation to put politics aside for this one day and show that we are Americans first and that some things are sacred and should never be used for political purposes.

So I would urge my colleagues to vote ''no'' on the previous question so we can consider the Senate version of the September 11 commemorative.

Mr. Speaker, I yield back my time.

Mr. SESSIONS. Mr. Speaker, I urge my colleagues to vote ''yes,'' and I urge my colleagues to vote ''yes'' because it is the honorable and the right thing to do, to say thank you to the men and women who gave their lives, to say thank you to the men and women who were heroic in their efforts to try and save people, and it is the right thing to do to say to the men and women of our military and our intelligence communities that we believe you have not only done a great job but we thank your families also for those sacrifices.

We believe it is the right thing to do to remember this event 5 years later. We believe it is the right thing to do to let the world know that the United States Congress, this body, in this House resolution, believes that we will stay strong not only in the war on terrorism but that we believe that fighting for civilization and peace and opportunity in this world is the right thing.

We have heard from three of this Congress' greatest leaders, PHIL GINGREY, PETE KING, who is the chairman of the committee, and the young chairman of the Rules Committee, Mr. DREIER, as they have spoken eloquently about not only what this country stands for but about how our respectfully saying thank you and remembering this day is a part of our job and is the right thing to do.

I urge all of my colleagues to vote on behalf of this resolution.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 996, THE RULE FOR H. RES. 994 EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES ON THE 5TH ANNIVERSARY OF THE TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Strike all after the resolved clause and insert:

''*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution printed in section 2 expressing the sense of the House of Representatives upon the five-year anniversary of the terrorist attacks against the United States on September 11, 2001. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) four hours of debate equally divided and controlled by the Majority Leader and Minority Leader or their designees; and (2) one motion to recommit.''

SEC. 2. The following is the text referred to in Section 1:

RESOLUTION

''A resolution expressing the sense of the House of Representatives upon the five-year anniversary of the terrorist attacks against the United States on September 11, 2001.

Whereas on September 11, 2001, terrorists hijacked four civilian aircraft, crashed two of them into the towers of the World Trade Center in New York City, and crashed the third into the Pentagon outside Washington, D.C.;

Whereas the fourth hijacked plane, United Airlines Flight 93, crashed in Somerset County, Pennsylvania, near the town of Shanksville, after the passengers and crew of that flight struggled with the terrorist-hijackers to take back control of the plane, ultimately preventing the flight from reaching its likely destination in Washington, D.C.;

Whereas the heroic actions of the rescue workers, volunteers, and State and local officials who responded to the attacks with courage, determination, and skill are to be commended;

Whereas thousands of innocent Americans, and civilians from many other countries, were killed and injured as a result of these attacks;

Whereas Congress declared, in the aftermath of the attacks, September 12, 2001, to be a National Day of Unity and Mourning; and

Whereas there has not been a terrorist attack on the United States homeland since the terrorist attacks five years ago, but al Qaeda has perpetrated terrorist attacks throughout the world against United States persons, facilities, and interests, as well as United States allies during that time:

Now, therefore, be it

Resolved, That the House of Representatives—

(1) commemorates the life of each individual who died as a result of the attacks of September 11, 2001;

(2) extends its deepest condolences to the victims of these attacks, as well as to their families, friends, and loved ones;

(3) once again condemns in the strongest possible terms the attacks, the terrorists who perpetrated them, and their sponsors;

(4) commits to support the necessary steps to interdict and defeat terrorists who plot to do harm to the American people;

(5) recommits itself and the Nation to bringing to justice the perpetrators of the attacks, along with their sponsors;

(6) honors and expresses its gratitude to members of the United States Armed Forces, law enforcement personnel, first responders, and others who have bravely and faithfully participated in the War on Terrorism since September 11, 2001; and

(7) declares September 11, 2006, to be a National Day of Remembrance, in commemoration of the terrorist attacks against the United States on September 11, 2001.''

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. WAMP). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

RESTRICTING INDIAN GAMING TO HOMELANDS OF TRIBES ACT OF 2006

Mr. POMBO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4893) to amend section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming, as amended.

The Clerk read as follows:

H.R. 4893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Restricting Indian Gaming to Homelands of Tribes Act of 2006''.

SEC. 2. RESTRICTION ON OFF-RESERVATION GAMING.

Section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719) is amended—

(1) by amending subsection (b)(1) to read as follows:

''(b)(1) Subsection (a) will not apply when lands are taken in trust for the benefit of an Indian tribe that is newly recognized, restored, or landless after the date of the enactment of subsection (f), including those newly recognized under the Federal Acknowledgment Process at the Bureau of Indian Affairs, and the following criteria are met:

''(A) The Secretary determines that such lands are within the State of such tribe and are within the primary geographic, social, historical, and temporal nexus of the Indian tribe.

''(B) The Secretary determines that the proposed gaming activity would not be detrimental to the surrounding community and nearby Indian tribes.

''(C) Concurrence by the Governor in conformance with laws of that State.

''(D) Mitigation by the Indian tribe in accordance with this subparagraph. For the purposes of the Indian tribe mitigating the direct impact on the county or parish infrastructure and services, the Indian tribe shall negotiate and sign, to the extent practicable during the compact negotiations described in section 11(d)(3), a memorandum of understanding with the county or parish government. Such mitigation requirements shall be limited to the direct effects of the tribal gaming activities on the affected county or parish infrastructure and services. If a memorandum of understanding is not signed within one year after the Indian tribe or county or parish has notified the other party and the Secretary, by certified mail, a request to initiate negotiations, then the Secretary shall appoint an arbitrator who shall establish mitigation requirements of the Indian tribe.''; and

(2) by adding at the end the following new subsections:

''(e)(1) In order to consolidate class II gaming and class III gaming development, an Indian tribe may host one or more other Indian tribes to participate in or benefit from gaming conducted under this Act and in conformance with a Tribal-State compact entered into by each invited Indian tribe and the State under this Act upon any portion of Indian land that was, as of October 17, 1988, located within the boundaries of the reservation of the host Indian tribe, so long as each invited Indian tribe has no ownership interest in any other gaming facility on any other Indian lands and has its primary geographic, social, historical, and temporal nexus to land in the State in which the Indian land of the host Indian tribe is located.

''(2) An Indian tribe invited to conduct class II gaming or class III gaming under paragraph (1) may do so under authority of a lease with the host Indian tribe. Such a lease shall be lawful without the review or approval of the Secretary and shall be deemed by the Secretary to be sufficient evidence of the existence of Indian land of the invited Indian tribe for purposes of Secretarial approval of a Tribal-State compact under this Act.

''(3) Notwithstanding any other provision of law, the Indian tribes identified in paragraph (1) may establish the terms and conditions of their lease and other agreements between them in their sole discretion, except that in no case may the total payments to the host Indian tribe under the lease and other agreements exceed 40 percent of the net revenues (defined for such purposes as the revenue available to the 2 Indian tribes after deduction of costs of operating and financing the gaming facility developed on the leased land and of fees due to be paid under the Tribal-State compact) of the gaming activity conducted by the invited Indian tribe.

''(4) An invited Indian tribe under this subsection shall be deemed by the Secretary and the Commission to have the sole proprietary interest and responsibility for the conduct of any gaming on lands leased from a host Indian tribe.

''(5) Conduct of gaming by an invited Indian tribe on lands leased from a host Indian tribe under this subsection shall be deemed by the Secretary and the Commission to be conducted under the Act upon Indian lands—

''(A) of the invited Indian tribe;

''(B) within the jurisdiction of the invited Indian tribe; and

''(C) over which the invited Indian tribe has and exercises governmental power.

''(6) Notwithstanding the foregoing, the gaming arrangement authorized by this subsection shall not be conducted on any Indian lands within the State of Arizona.

''(7) Any gaming authorized by this subsection shall not be conducted unless it is—

''(A) consistent with the Tribal-State compacting laws of the State in which the gaming activities will be conducted;

''(B) specifically identified as expressly authorized in a tribal-State compact of the invited Indian tribe approved by an Act of the legislature of the State in which the gaming will be conducted; and

''(C) specifically identified as expressly authorized in a tribal-State compact of the invited Indian tribe approved by the Governor of the State in which the gaming will be conducted.

''(8) Host tribe compacts shall not be affected by the amendments made by this subsection.

''(f) An Indian tribe shall not conduct gaming regulated by this Act on Indian lands outside of the State in which the Indian tribe is primarily residing and exercising tribal government authority on the date of the enactment of this subsection, unless such Indian lands are contiguous to the lands in the State where the tribe is primarily residing and exercising tribal government authority.''.

SEC. 3. STATUTORY CONSTRUCTION.

(a) IN GENERAL.—The amendment made by paragraph (1) of section 2 shall be applied prospectively. Compacts or other agreements that govern gaming regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on Indian lands that were in effect on the date of the enactment of this Act shall not be affected by the amendments made by paragraph (1) of section 2.

(b) EXCEPTION.—The amendments made by section 2 shall not apply to any lands for which an Indian tribe, prior to March 7, 2006, has submitted to the Secretary or Chairman a fee-to-trust application or written request requiring an eligibility determination pursuant to section 20(b)(1)(A) or clause (ii) or (iii) of section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(A), 2719(b)(1)(B)(ii), and 2719(b)(1)(B)(iii), respectively); provided that such lands are located within—

(1) the State where the Indian tribe primarily resides; and

(2) an area where the Indian Tribe has a primary geographical, historical, and temporal nexus.

(c) FURTHER EXCEPTION.—The amendments made by section 2 shall not affect the right of any Indian Tribe to conduct gaming on Indian lands that are eligible for gaming pursuant to section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719), as determined by the National Indian Gaming Commission, Secretary of the Interior or a Federal court prior to the date of the enactment of this Act.

SEC. 4. REGULATIONS REQUIRED.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall promulgate regulations to implement section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719). The regulations shall require tribal applicants for any of the exceptions listed in section 20 of the Indian Gaming Regulatory Act to have an aboriginal or analogous historic connection to the lands upon which gaming activities are conducted under the Indian Gaming Regulatory Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. POMBO) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. POMBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill has a basic premise: Indian gaming should occur on Indian lands; and when a tribe is newly recognized, restored or landless, then it has to include the local community at the table for the simple purpose of signing a memorandum of understanding to address impacts. It is as simple as that.

Unfortunately, over the last 17 years, far too many tribes have drifted away from the original purpose and spirit of the Indian Gaming Regulatory Act and have sought to develop off-reservation casinos in whatever location seemed to be the most lucrative, often far from their tribal lands. Those who have pursued this course have turned the spirit of IGRA on its head. Instead of seeking to bring economic development to the Indian reservation, they have instead sought to bring the Indian reservation to wherever there is economic development. This is wrong, and it threatens

both the future of Native American economic development and the integrity of Indian tribal sovereignty itself.

When IGRA was written, it mandated that only lands held by tribes prior to October 17, 1988, or lands later acquired directly adjoining those lands, would be eligible for tribal gaming activities. It was a central principle of IGRA that, in general, lands acquired by tribes after enactment of IGRA would be ineligible for gaming.

However, IGRA provided for four exceptions, and it was expected that these would be used only rarely. Unfortunately, time has shown that the use of these four exceptions to IGRA's prohibition on gaming on after-acquired lands has been anything but rare. While opponents of reform make the oft-repeated claim that there have been only three off-reservation casinos since 1988, this claim is limited to only one of those exceptions, section 20. It ignores the fact that there are at least 38 casinos in operation today on land that was not held in trust in 1988, nearly 10 percent of the Nation's total number of tribal casinos.

Currently, there are at least 50 additional proposals for off-reservation casinos under those four exceptions. Beyond that, there have been dozens upon dozens of other projects announced or proposed over the last several years where paperwork has not yet been filed. Under the two-part determination of IGRA, virtually any land in the country could be targeted for gaming. Each one of those proposed casinos has had a very real and negative impact on public support for tribal gaming.

Over the last 2 years, the Committee on Resources has held nine hearings, heard from dozens of witnesses, and received thousands of communications documenting problems arising from off-reservation gaming. The committee has heard a compelling story and the heavy toll that off-reservation gaming proposals impose on local communities, and tribal sovereignty has become very clear.

Local citizens have told stories of waking up one day and being surprised to learn that a parcel of land in their community has been purchased by a developer who has announced that he intends to have that land declared a reservation where an Indian casino will be opened. This despite the fact that the community was hundreds of miles from the nearest existing tribal reservation land.

We have heard from private property and business owners about how the land-claims exception in IGRA has been abused by those seeking off-reservation casinos. Throughout the eastern United States, numerous land claims have been filed, resulting in costly litigation and the clouding of private property titles. These claims are filed in the hopes of forcing the State to settle the claim with an off-reservation casino. The current land claims exception in IGRA has become an incentive for this type of abusive lawsuit and must be brought to an end.

Local leaders have testified about the possibility of their community being significantly and permanently changed by the presence of a newly declared Indian reservation and tribal casino. They have told of their feelings of powerlessness to meaningfully participate and affect the process of the land being taken into trust. And they have spoken of their frustration that the impacts of the proposed casino facility will not be fully mitigated, because after the State's Governor and casino developer take their cut of the action, the tribe does not have enough revenue left to share to offset their impact on the community.

H.R. 4893 represents real reform of these abuses, while maintaining the opportunity for tribes to conduct gaming under IGRA on their tribal lands as per the original intent of the law. H.R. 4893 does away with the land-claim exception in the section 20 two-part determination. It reforms the procedures where newly recognized, landless and restored tribes can ask for lands to be placed in trust for an initial reservation. Tribes seeking these lands will now have to satisfy a three-part test to demonstrate that they have a primary historic, geographic, and temporal nexus to the land they wish to acquire for gaming. This will ensure that the initial reservation placement is determined by where the tribal people live and receive services, not by where the market for gaming seems best.

One of the most important parts of the bill is that State and local communities will play a more meaningful role in the process and will have an opportunity to give greater input into a casino proposed by a newly recognized and restored tribe. This bill requires the tribe to enter into a memorandum of understanding with the local county for the purpose of providing direct mitigation of impacts from a casino project.

H.R. 4893 is a real reform that will solve, once and for all, the problems with off-reservation gaming. It is the responsibility of this Congress to act now to bring the practice of off-reservation gaming to an end and to prevent further damage in the relationship between tribes and local communities over off-reservation casinos and to restore the original intent and spirit of IGRA to today's Indian gaming practice.

Mr. Speaker, I reserve the balance of my time.

□ 1215

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 4893, a bill that would amend section 20 of the Indian Gaming Regulatory Act to impose on the poorest tribes new onerous requirements before those tribes could obtain trust land for gaming.

The provision that is most troublesome represents a drastic change in Federal law and policy because it undermines tribal sovereignty by requiring certain tribes to enter into a memorandum of understanding with counties and if the memorandum of understanding is not signed in 1 year would subject those tribes and counties to binding arbitration.

I do not believe by adding this provision to his bill Chairman POMBO acted with ill intent. I think we are all concerned about the possible proliferation of off-reservation gaming, but this bill goes far beyond that issue because it subverts tribal sovereignty by requiring tribes to negotiate with counties which are not sovereign governments at all but are creatures of the State.

Under current law, tribes must negotiate casino-style gaming compacts with State governments. As creatures of the State, the counties' interests should be protected by their State, as is the case in Michigan and other States. Never before has a Federal law equated sovereign tribes with counties.

We can address the issue of off-reservation gaming without equating those sovereign tribes with counties. But suspension of the rules forbids any amendments. I oppose setting a bad precedent in Federal law that undermines our long-standing policy of protecting tribal sovereignty.

In addition, there are a number of Members' concerns that remain unaddressed by this bill. During committee markup of this bill, several Members were told that their issues would be resolved before the bill was scheduled for consideration on the floor. Their concerns remain unaddressed, and consideration of this bill under suspension of the rules does not allow for modification or amendment.

Mr. Speaker, there was wide opposition to this bill. I and other Members of Congress have received letters from the National Congress of American Indians which represents 250 tribes throughout the Nation, the National Indian Gaming Association, the National Indian Business Association, California Nations Indian Gaming Association, Arizona Indian Gaming Association, Washington State Indian Gaming Association, New Mexico Indian Gaming Association, tribes from North Dakota, Montana, Oregon, Maine, Oklahoma, Wisconsin and my own State of Michigan.

Tribes and Indian organizations from all across the Nation overwhelmingly oppose this bill because it erodes tribal sovereignty. Therefore, in the interest of protecting tribal sovereignty and honoring our government-to-government relationship with tribes, I urge my colleagues to oppose this bill.

Mr. Speaker, when we all took our oath of office, we pledged and took an oath to uphold the Constitution of the United States. That Constitution reads, ''The Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes.'' That Constitution lists the three

sovereignties recognized by this Constitution.

I think we should be most careful when we diminish the sovereignty of one of those three by equating them with creatures of the State when those counties can have their interests protected by their own State government.

Mr. Speaker, I reserve the balance of my time.

Mr. POMBO. Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Speaker, I rise today in opposition to H.R. 4893, a bill amending section 20 of the Indian Gaming Regulatory Act.

Mr. Speaker, I know this bill has been forged in the cauldron of Indian country, and speaking from experience, I know Native American passion can be as powerful as any constituency in America. That is why I rise, first and foremost, to voice my utmost respect for the chairman of the Resources Committee, the gentleman from California (Mr. POMBO), who has attempted to address casino-style gaming outside tribal reservations in a fair and balanced fashion. I particularly want to thank him for working to accommodate many of my concerns in particular areas of this bill. Frankly, I wish we had had the opportunity to continue our discussions on the bill.

Mr. Speaker, the chairman is a tremendous ally of Indian country and anyone who doubts this to any degree need only to look to his record and to his committee's priorities. He has always had nothing but the best interest of tribes in mind from a policy perspective, and he understands their issues as well as anyone in Congress. Unfortunately, on this issue we simply disagree.

The Resources Committee has crafted this bill with the best of intentions. I recognize its members are trying to address a complex challenge. However, as the only enrolled member of a tribe in Congress, the Chickasaw Nation, I take my obligation to defend the concept of tribal sovereignty very seriously. This bill, however well-intentioned, in my opinion violates and erodes the sovereignty of all American Indian tribes. As a result, tribal governments in my State and all across the country have urged me to oppose this legislation. And most tribal organizations, as the gentleman from Michigan (Mr. KILDEE) has pointed out, also oppose the legislation.

Our Constitution recognizes three types of sovereign entities beyond our own country: First, foreign governments; second, the States; and third, Indian tribes. Existing law requires that to enter into gaming activities, tribes must negotiate agreements with the Federal Government and the State government.

Under this bill, for the first time in United States history, Indian tribes would be required to negotiate directly with local governments in order to engage in lawful activity. That diminishes the power of tribes and raises local governments to the level of sovereign entities.

This is wrong for two reasons. First, local governments are not sovereign units. They are the creation of State governments and it is the responsibility of State governments to look after their interests. Second, it is the responsibility of State governments to negotiate for and represent the interests of local governments in their dealings with tribes. To shift this burden from the States to the tribes is both wrong and irresponsible.

Mr. Speaker, as currently written, the Indian Gaming Regulatory Act works. It has provided tribes the opportunity to recapitalize, diversify their economies, and raise their voices in national politics. It reinforces the tribes' constitutional right to negotiate as a sovereign entity with the Federal Government and with State governments, and it protects the interest of local governments by ensuring they work with their State governor and legislature in the State compacting process.

Mr. Speaker, all things considered, I see no upside in subjecting tribes to local governments. Therefore, I see it as Congress' responsibility to continue the tradition enshrined in the Constitution, embedded in our laws, and reinforced by countless judicial decisions, and that is to preserve and protect Indian sovereignty. I strongly urge a ''no'' vote on H.R. 4893.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Again, I would hope that we would not suspend the rules today and I look forward to continuing to work with Mr. POMBO, my chairman. From the very beginning I told him he was taking on a very important task, but I think we do have a poison pill, not put in with ill-will but a poison pill in this bill.

I would be most happy to continue to work with him to try to find a solution to the possible proliferation of casinos.

Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on sovereignty in this country on behalf of Native Americans, our very first Americans, the people who had America before Europeans settlers came here to take their land.

When the European settlers took their land, they took it and made one promise: We will give you what little land you have left, we will let you stay on that land and we will let you be in charge of it. And we will incorporate that into our various systems of government where we have a State government, we have city government, we have county government, and we will have tribal governments. But for purposes of tribal governments, they will have sovereignty that will surpass States so that the only relationship that these tribal governments will have will be the relationship between them and the Federal Government superseding States.

This was a part of the Constitution. It was decided by the Constitution and this legislation undermines that premise and forces tribes to negotiate with local counties, which is undermining 200 years of Federal policy for tribal sovereignty.

I ask for a ''no'' vote on this because its substance is bad, and the fact that it is being rushed through is bad as well.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WU).

(Mr. WU asked and was given permission to revise and extend his remarks.)

Mr. WU. Mr. Speaker, I rise in strong opposition to H.R. 4893 because of my opposition to a proposed Indian gambling casino in the Columbia River Gorge National Scenic Area in Oregon.

We should not be considering a bill of this importance on the suspension calendar with only 40 minutes of debate, no opportunity to amend. This is completely inappropriate.

Regardless of whether you are an opponent or proponent of off-reservation gaming, Members should have an opportunity to bring their concerns to the floor and offer amendments. There are many reasons to oppose this bill, and I have the largest one of them of all: This, an 80-mile long, 4,000-foot-deep gorge. It is our Yosemite. It is our Grand Canyon. It is a national treasure, and it is completely inappropriate to put a gambling casino smack-dab in the middle of this national treasure.

Vote ''no'' on this suspension bill so we can protect the Columbia River Gorge and we can bring a real bill to the floor and have Members debate their concerns and amend this bill appropriately.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, proponents of this bill claim that it will guarantee greater local control. But for my constituents, nothing could be further from the truth.

More than 5 years ago, the community of Beloit, Wisconsin, began working with the Bad River Band and the St. Croix Chippewa Indians to build a casino in their community. My constituents, through a referendum, expressed their very strong support for this project, and local governments have worked hand-in-hand with the tribes on a project that the community deems important to their economic development.

For 5 years they have played by the rules and they are now in the last weeks of the approval process. Now, as the community anticipates a final decision on the tribe's application, this bill abruptly changes the rules, possibly denying the local community what they seek.

The citizens of Beloit, the local governments in the area, and the tribes

who seek to develop this project, are not seeking any special treatment. They simply want, and deserve, a fair decision on the merits of their application. After 5 years of following a fair process, this is no time to change the rules.

I urge my colleagues to oppose this bill.

Mr. POMBO. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I rise today to speak in favor of H.R. 4893, the Restricting Indian Gaming to Homelands of Tribes Act of 2006.

The expansion of tribal casinos to lands whose connection to Native American culture is limited or attenuated at best. This is a growing problem throughout the United States. No one wants to deny Native Americans the right to pursue government recognition of their tribal connections and to celebrate their native cultures.

Increasingly, however, groups anxious to promote casino gambling have aligned with some Native American groups for the sole purpose of utilizing the Indian Gaming Regulatory Act, IGRA, to promote the establishment of casinos.

In my district, the Delaware Nation, which is headquartered in Oklahoma, has filed suit in Federal court to establish title to a 315-acre tract of land in Northampton County, Pennsylvania, so it can build a gambling facility. More than 25 families live on this property. It is also home to the Binney and Smith Company, on which it has placed a Crayola crayon manufacturing facility. The individuals trying to establish this casino, who all reside out-of-State, are not concerned about the area's homeowners, about the valuable manufacturing jobs potentially displaced by this casino, or about the fact that Binney and Smith's Crayola makes a useful product loved by children all over the world.

□ 1230

They are only interested in seeing working people and seniors gamble away their hard-earned dollars. H.R. 4983 would effectively end this kind of reservation shopping. It prohibits gambling on Indian lands outside of the State in which that tribe is primarily residing and exercising tribal authority as of the date of this law's enactment, unless those lands are contiguous to lands currently overseen and occupied by that tribe.

This prevents a tribe with headquarters, in, say, California or Oklahoma from acquiring lands in places like Ohio, Illinois and Pennsylvania, where there are no federally recognized Indian tribes, for the sole purpose of putting a casino on those properties.

Homeowners and business owners should not be held hostage to out-of-state casino interests that are willing to throw people out of their homes and destroy local businesses in order to further the expansion of casino gambling.

I would ask for all Members to support H.R. 4893.

Mr. POMBO. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I rise in support of this bill. As you may know, some of you, earlier this year I introduced a bill, H.R. 5125, that would, in essence, require States to undertake planning for the siting of Indian gaming facilities, essentially developing a State master plan before a new class III gaming license could be granted.

We have 22 States in the Nation that allow for class III gaming. Currently, if you look at those 22 States, take a snapshot, there are 339 sovereign nations within those 22 States that could potentially have legalized gaming.

What happens in the experience that I have determined in California over the last 15 years is too often Indian tribes are at the mercy of shifting political winds in State government. Negotiating a tribal-State compact for the right to engage in class III gaming on their tribal lands is a process that is complicated by elections, changing attitudes towards the tribe, as well as an understanding that tribal gaming also can be a lucrative process and business, therefore, to the State.

This process I call, or dubbed, is frequently understood as ''let's make a deal'' time. We have had three Governors in California in the last 15 years that have engaged in that process.

My legislation would not prevent tribes from engaging in their application process or affect any of those that have already had approval of a compact. But what it would do is develop some common sense in terms how we look in the future for prospective gaming under class III licensing with the 22 States that have 339 sovereign nations that could, but yet do not have compacts, that would allow them to have class III gaming.

I think it is time that we learned from the lessons of the last 15 years and the 22 States across the country that do have class III gaming. Let us require the States to submit a master plan to the Secretary of the Interior so that we know how we will go forward prospectively as to the impact of that class III gaming.

Common sense tells us that this makes, I think, the best process for planning future gaming in this country. Although my legislation isn't a part of this bill, I continue to work with Members on both sides of the aisle to try to put forth an effort to develop a master plan for those States that, in fact, do have class III gaming.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the distinguished gentleman from Michigan, a very valued member of our Resources Committee, for yielding me the time.

Mr. Speaker, I share the concerns of some on my side of the aisle that this amendment should have been brought to the floor under a rule so that amendments could be offered by interested Members.

Indeed, during the Resources Committee's deliberations on this measure, several members issued concerns, and both the chairman and myself assured them that they would be considered as the process moved forward. Yet the Republican leadership chose to schedule this bill as a suspension, and as such amendments are not made in order.

With that said, the bill before the body today is the product of a negotiation which took place between Chairman POMBO and myself as the ranking member on the Resources Committee.

The original introduced version bill went too far in my opinion in interfering with tribal sovereignty. As a result of our negotiations, the version reported by the committee, which is pending before us, has a great deal more respect for tribal sovereignty while still achieving the goal of reining in off-reservation casino shopping.

Let me be very clear on this point. The letter the National Congress of American Indians has sent in opposition to this bill must be in reference to the original introduced version, not what is before us today. That letter alleges that a tribe would have to seek approval of a local government before gaming could commence. It alleges the bill would subordinate tribes to local governments. This is just plain false.

What the bill does require is that a tribe seeks to establish an agreement with a local community concerning the costs of mitigating the impact from public services that could arise from a new casino. That is nothing less and nothing more than good business practice. It is what most tribes do today.

On the broader issue, there should be no doubt that this legislation is necessary. According to United South and Eastern Tribes, which represents 24 federally recognized tribes in the east, this bill is critical on tracking down reservation-shopping abuses which are often funded by shadowy developers.

The president of the organization, Keller George, in a letter to Congress states: ''This kind of reservation shopping runs counter to the intent of the Indian Gaming Regulatory Act and well-established Indian policies.'' He urges the favorable approval of the pending legislation.

So while I remain concerned about the process, I am in support of the bill. I urge Members to vote in favor of it.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I rise in opposition to this bill. I think it is important to note that before we do violence to the existing situation here that there has been substantial success. In the existing relationships, we have had only three essential tribes, all of which have been done with largely local jurisdictions' approval. To do significant changes to upset that balance would erode, and I do believe this bill

as currently written does erode, to a degree, tribal sovereignty in this regard. For that reason, I don't believe it is necessary at this time, and there can be and should be improvements.

It is disappointing again that democracy isn't functioning here in this body in that we are not allowed to offer amendments on the floor to a very critical issue involving tribal sovereignty. We have seen tribes abused historically in this country. I think that is happening again today where this bill is not allowed to be subject to the amendment process on the floor that it should.

But I also want to note that I believe that somehow the gaming process has not assisted folks in these tribes. I just want to attest, having seen boys and girls clubs established, in fact, first boys and girls club on a reservation in the Toledo reservation in the State of Washington, as a result of this economic activity, there are a lot of good economic activities happening in these communities. I think this bill will not foster them and we should oppose it.

Mr. KILDEE. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Michigan has 4½ minutes. The gentleman from California has 9 minutes.

Mr. KILDEE. Who has the right to close?

The SPEAKER pro tempore. The gentleman from California.

Mr. KILDEE. Mr. Speaker, I was here in 1988 as a Member of the Interior Committee, and I helped write IGRA. I am very familiar with it. All laws here are written on Capitol Hill, not Mount Sinai, so I know that they are not perfect bills. But this has been a good bill.

As I said, from the very beginning, I told Mr. POMBO that I admired his courage to address this situation, but I do think that it has not been addressed properly, particularly with equating sovereign tribes with counties. I would be glad to work with him, bring this bill out on regular order where people could offer amendments on a very, very important bill.

This bill took us a long time to write in 1988. We had great debate in 1988 and great input. We wrote a good bill.

So I date back to those, probably one of the few who were here when we wrote that law, and I think that to amend it in this fashion, particularly on suspension, and, secondly, treating sovereign tribes as if they were like counties which are creatures of States, treat them as two equals. The Constitution does not say, Congress shall regulate commerce with foreign nations, the several States, the Indian tribes and the various counties. It mentions the three sovereignties here. That is very, very important to me, and we bore that in mind when we wrote this bill back in 1988.

I would hope, Mr. Speaker, that we will be able to defeat this today, and Mr. POMBO knows. I have talked to him repeatedly on this. We should sit down and see if we can bring a bill out with some of the provisions, especially the one treating as equals, two entities that are not equals, included in a rule where we can offer amendments on the floor.

Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. I very much appreciate the honorable gentleman from Michigan in his yielding to me, and his leadership on this issue. There is nobody in this Congress that respects tribal sovereignty more than DALE KILDEE. I am very proud to stand here today with him.

Mr. Speaker, I rise today against passage of H.R. 4893 under suspension of the rules. My district in northern New Mexico is home to more than 16 tribes. I have heard from many of my constituents, and they are strongly opposed to this bill. In fact, I do not know of a single tribe in the entire State of New Mexico who wants to see these changes. I know there are some States that have serious concerns surrounding tribal gaming issues, and I respect those concerns.

But my State of New Mexico and the tribes I interact with have approached gaming and the responsibilities related to this industry with the utmost integrity and transparency. I am afraid that this one-size-does-not-fit-all legislation will have the serious consequence of undermining 200 years of tribal sovereignty.

I ask that we take another look at this legislation and then bring it up for consideration under the regular order so that amendments are allowed. Members deserve a chance to amend this important legislation, and, sadly, once again the leadership is stifling debate.

Mr. KILDEE. Mr. Speaker, again, I wish we had a longer time to debate this very important bill, a bill that took us months to put together back in 1998. I regret that. I do look forward to, however, if we defeat this bill, which I hope we do, to sit down with Mr. POMBO. He knows that I recognize that there are some things that we can agree upon in this bill, then bring the bill out under regular order and let the House speak its mind.

Mr. Speaker, I yield back my last second.

Mr. POMBO. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, over the last 2 years, we have attempted to address this issue in the Resources Committee. Two years ago I put out a draft legislation for discussion that all of the members of the committee, all the Members of Congress, and the interested public had an opportunity to comment on.

We got thousands of comments. We held hearings, we got thousands of comments on that draft. We changed that draft. We took all of the input that we got, the testimony that we got, and we put that into that draft, and we continued to work on it.

Mr. KILDEE, from the very beginning, raised the issue of sovereignty; and it is an important issue to him, as it is to most of the members of the committee, that this is something that we wanted to protect, as it is our constitutional responsibility to protect the sovereignty of tribes and to negotiate with tribes, just as it is to negotiate with states in foreign countries.

We took all of that comment, and we came up with a new draft, and we put that out for additional comment. Finally, we introduced the underlying bill.

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Mr. KILDEE brought up the issue of sovereignty and how we dealt with that. We changed the bill we are actually voting on today substantially from that original draft. The original draft did give cities a veto power in essence over trust lands. Many members of the committee and different attorneys that we talked to felt that that would not stand up to a court challenge, and we took that out.

But what we did do, as Mr. RAHALL pointed out, we gave local cities and counties the ability to negotiate with the tribes to come up with a memorandum of understanding so that they have the ability to make sure that if there is a major new development that is going to happen within their community that they are held harmless, that they have some input into that project going forward, that sewer and water and transportation needs and other things, just like if it was a private developer going in, would be met. That is the requirement that we put in. That somehow is now being deciphered as threatening sovereignty.

I will tell you though, and I want to make this perfectly clear, if you care about sovereignty of our Native American tribes in this country, then you better support this bill, because if we do not further regulate the expansion of off-reservation casinos, we will have an attempt made within this Congress to threaten that sovereignty, and we know that that is going to happen because we have seen it over the last few years. The proliferation of Indian gaming throughout the country is a threat to that sovereignty, and we need to do that.

Mr. KILDEE also talks about in IGRA, the Indian Gaming Regulatory Act in 1988. It took us years just to draft these amendments to it. This may have taken months, but it wasn't written on Mount Sinai.

When you helped to write that bill, it was a $200 million industry. Today it is a $23 billion industry. We have a responsibility to regulate that industry. We have a responsibility as Members of Congress and the Resources Committee to do what we have to do in order to ensure that that sovereignty continues, because if we don't that is a bigger threat to that sovereignty.

I would also say, Mr. Speaker, that the Speaker of the House, the gentleman from Illinois (Mr. HASTERT) is a strong supporter of the bill. He asked

me to mention that in my closing comments. Unfortunately, he was not able to make it down here on the floor, but he will have a statement to add into the RECORD.

Having said that, I urge passage of the legislation.

Mr. HASTERT. Mr. Speaker, I rise today in strong support of H.R. 4893 and want to thank Chairman POMBO and Ranking Member RAHALL for their hard work on behalf of this important bipartisan legislation. The practice of Indian tribes acquiring lands outside the borders of their tribal homelands for the purposes of opening casinos—often called reservation shopping—is a problem that is spreading throughout the country. In most cases, it forces states and local governments into protracted and costly legal battles. This is especially true in the State of Illinois where off-reservation claims have affected thousands of landowners.

When Congress passed the Indian Gaming Regulatory Act (IGRA) in 1988, they did not intend to authorize reservation shopping by Tribes. In fact, IGRA prohibits gaming on all after-acquired lands and only permits off-reservation gaming under extremely limited circumstances. However, some Tribes are attempting to take advantage of IGRA's provisions and move into lucrative casino markets far from their reservations and lands where they have a historical connection.

This legislation puts an end to reservation shopping by prohibiting attempts to establish off-reservation casinos outside the state where the tribe currently resides. Most importantly, this legislation prevents tribes from filing lawsuits and land claims against private property owners in hopes of getting a casino in the settlement.

One example is in my district where the Prairie Band of Potawatomi Indian Tribe, based in Kansas, has laid claim to 1,280 acres of land in DeKalb County. Their claim is based on an 1829 Treaty between the United States and United Tribes of the Chippewa, Ottawa and Potawatomi that granted the DeKalb acreage for the ''use'' of a chief named Shab-eh-nay and ''his band.'' Shab-eh-nay left the land in the 1830's and moved to Kansas with his band. In fact, on December 1, 1845, Shab-eh-nay sold 640 acres of the property for $1200—a deed which I have a copy of right here—and federal agencies determined that the land had been reverted to federal ownership when he moved west.

Nonetheless, the Tribe asserts that the 1829 Treaty granted a permanent title to the land that could only be taken away by an Act of Congress. Their claim is based solely on a letter written on the final day of the Clinton Administration by U.S. Department of Interior Solicitor John Leshy that the Tribe had a ''credible'' claim to the land.

However, instead of requesting that the Department of Interior formally recognize that claim and have the land taken into trust, the Tribe made an open-market purchase of 128 acres of land and declared through a Tribal Council Resolution their sovereign authority and jurisdiction over the property.

It should be noted that according to the Department of Interior, the Tribe has never officially contacted the Department about their claim to this land. Not to mention that another tribe, the Ottawa Tribe of Oklahoma, has made a competing claim to the same land.

Shortly after presenting the resolution to the County, the Tribe attempted to begin work on construction of a satellite office on the property, which the land is not currently zoned for. As a result, the County was forced to issue a stop work order on the project. Subsequently, the Tribe scheduled a public hearing regarding their proposed change in land use. Ultimately, the Tribe's intention is to construct a $715 million ''first class gaming, entertainment and resort complex on 1,280 acres of land'' according to their proposal issued in 2003. This is despite the fact that tribal gaming is not allowed under State law.

Rather than take the steps outlined by IGRA, and apply to have their land taken into trust by the Department of Interior, the Tribe has instead chosen to force costly legal action by the County for the purpose of having their claim heard in court. This is clearly an attempt to circumvent the review process by the Department of Interior.

Mr. Speaker, even the Supreme Court ruled in 2005 that an Indian Nation cannot regain the sovereignty of lands through open market land purchases. Nonetheless, these claims persist and put private landowners and local governments at risk. Without congressional action, these claims could establish a dangerous precedent whereby tribes could, and would, locate casinos in any state where gaming is allowed.

Mr. Speaker, it is my opinion that H.R. 4893 is especially important for the sake of protecting private landowners who have a legitimate right to their land, while providing fair and reasonable treatment for Indian Tribes. I strongly encourage my colleagues to support this important and commonsense legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in opposition to H.R. 4893, amending section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming.

This bill amends the Indian Gaming Regulatory Act for the first time since 1988. The bill would require Tribes to enter into compacts with local government entities, in addition to State governments, to conduct casino-style and non-casino-style gaming (such as bingo).

The U.S. Constitution article 1, section 8 acknowledges Indian Tribes as governments, equal to states and foreign nations. H.R. 4893 includes a provision that forces Tribes to enter into binding negotiations and arbitration with counties and parishes. This is directly counter to the constitutional provision recognizing Tribal governments as sovereign nations equal to Federal and State governments.

I oppose this bill because it is inconsistent with and dismissive of current law and policy. The National Indian Gaming Association, National Congress of American Indians, Native American Rights Fund, and the National Indian Business Association have all expressed concern that this bill requires Indian tribes to negotiate financial arrangements with local municipalities and counties, rather than the arrangement of government-to-government interactions, which is the current precedent.

Indian tribes are sovereign entities, and as such negotiate in government-to-government settings. The provision in this bill to require Indian tribal governments to negotiate with municipalities and counties in effect replaces the state government partner with a sub-government entity. This intrusive action violates the constitutional principle of tribal sovereignty.

A bill with consequences this far-reaching deserves thorough consideration and debate. The fact that this bill has been placed on the suspension calendar, and thus is not subject to amendment, is irresponsible. Tribal sovereignty is a bedrock principle of American law. It should not be dismissed without proper debate that allows every concerned and affected Member of Congress to participate.

The Department of the Interior is presently reviewing Section 20 in order to publish regulations pertaining to the economic opportunities, liability and jurisdictional issues, and policy implications for the greater American Indian community. In March, the Committee on Resources heard Mr. James Cason, Associate Deputy Secretary of the Interior, give testimony in which he expressed the need to review and work on certain elements of the bill. To my knowledge, the issues have not been resolved to the satisfaction of all of the Members of the Committee, let alone Members of Congress who are not on the Resources Committee.

This bill does not belong on the suspension calendar, and should instead be open to review and amendment by all Members of Congress.

I urge my colleagues to speak up for proper procedure in this House, as well as respect the precedent that this bill ignores.

Mr. OBEY. Mr. Speaker, I agree with the proposition that it makes no sense to allow tribes to establish gambling casinos in territories that have no relationship to the tribe. But, I am voting against this bill because I believe that people who disagree with me ought to have the right to offer an amendment—for example, those who want to limit Indian tribes' ability to establish off-reservation casinos but would make an exception if the effort is supported by local officials—county board, city council, mayor—or if it is approved by referendum. But, this bill is arrogantly presented in a take it or leave it fashion which would not allow amendments to accomplish that.

Without amendments such as that, this bill is going nowhere. It is simply a cynical effort by the Committee Chairman and the House Republican leadership to pose for political holy pictures by pretending that they are doing something by pushing a bill that is going nowhere.

Even though I am troubled by some provisions of the bill, I could vote for it

after the House has had an opportunity to consider legitimate amendments to it. But, I will not accept something that is arbitrarily presented on a take it or leave it basis.

One problem in dealing with this issue is that people on both sides of the question have abused the process. Some tribes have abused existing law and have established casinos in territory totally unrelated to their own territorial base and have attempted to run roughshod over local officials in the process. And, on the other side, the committee and the House leadership have abused the process by refusing to allow amendments to the bill.

If this bill were the product of negotiations, I could even accept that. But, the committee has chosen to arbitrarily bring this take it or leave it proposal to the House floor and has not even had the courtesy to provide a committee report to explain and help analyze the bill.

Mr. REYES. Mr. Speaker, I stand in strong opposition to H.R. 4893. This legislation seeks to make drastic changes to the Indian Gaming Regulatory Act without the option to offer amendments or have a full debate on the floor of the House of Representatives.

Instead of offering legislation that would weaken tribal sovereignty, Congress should be working hard to ensure American Indians are protected from corrupt lobbyists and given the means to care for their members.

Mr. Speaker, it is time for this Congress to take a stand for millions of American Indians throughout the country by voting against H.R. 4893.

Ms. HERSETH. Mr. Speaker, I rise today in opposition to H.R. 4893. All nine sovereign Tribes in South Dakota have asked me to oppose this legislation. I take my responsibility to consult with Tribes very seriously and share their concerns that this bill will create an unnecessary and unprecedented infringement on Tribal sovereignty.

Though gaming has transformed tribal economies in many places, the harsh reality is that Native Americans remain the poorest people in our country. This was confirmed only a few weeks ago in the Census Bureau's annual poverty report. Gaming alone has not—and will not—fix this problem.

The right of Tribes to conduct gaming is a manifestation of tribal sovereignty and one of its many benefits. Sovereignty allows tribes to move forward with economic development opportunities and to draw strength from their rich history. Sovereignty, and not gaming, is the most valuable tool to lift Indian Country out of poverty. I urge my colleagues to support sovereignty and vote against H.R. 4598.

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman from Michigan, Mr. KILDEE, for all of his efforts to defend the rights of the first people to inhabit our great Nation.

I strongly oppose H.R. 4893, which would amend the Indian Gaming Regulatory Act to restrict Indian gaming and subject Indian tribes to the whims of local governments.

The United States Constitution recognizes Indian Tribes as sovereign governments, equal to States and Foreign Nations. H.R. 4893 would force Indian Tribes to enter into agreements with counties in order to operate gaming facilities. Tribes are already required to negotiate gaming compacts with State governments. Requiring Tribes to negotiate with local governments is a blatant violation of their sovereignty.

The California Nations Indian Gaming Association, which represents many tribes in my home State of California, is firmly opposed to this bill.

Never before in the history of our Nation have tribes been required to negotiate with local governments. I urge my colleagues to oppose this bill and protect the sovereign rights of American Indian Tribes.

Mr. BLUMENAUER. Mr. Speaker, extreme care should be exercised when Congress legislates in areas affecting tribal sovereignty and issues important to Native Americans.

It is troubling that H.R. 4893 comes to the House floor under a suspension of the rules, which implies the bill is non-controversial and is one which has consensus support and no need of extensive debate or modification.

This is not the case with this attempt to amend the Indian Gaming Regulatory Act. The National Congress of American Indians, the National Indian Gaming Association, and several tribes in the State of Oregon have expressed their opposition. The rules suspension does not permit Congress to debate potential changes and indeed all debate is severely limited.

I am deeply concerned that any changes to the Indian Gaming Regulatory Act be carefully considered and fair and balanced for all parties involved. Sadly, this proposal does not meet that test.

Ms. WOOLSEY. Mr. Speaker, today the Republican leadership decided to consider legislation that would substantially revise the Indian Gaming Regulatory Act (IGRA)—the first time we have been allowed to address our concerns with IGRA since it was enacted in 1988. The bill we are voting for today, while it does much to stop the most egregious forms of reservation shopping allowed by IGRA, is not wholly adequate. Suspending the House rules to vote on this bill forces my colleagues and me to settle for a makeshift and inadequate solution to the proliferating problem of off-reservation gaming. Since Mr. POMBO'S bill fails to thoroughly address the gaming issues facing my constituents, I would have liked the opportunity to offer an amendment that reflects the concerns of the people in Marin and Sonoma Counties. I sincerely hope that the Republican Majority will allow for a full debate that includes the opportunity for Members to amend this bill, as we should not shortchange our constituents in the process of passing this important piece of legislation. Circumventing traditional House procedure, obstructing debate, and forcing us to vote on inadequate legislation is wrong, and I will be voting "no" on H.R. 4893.

Mr. SHADEGG. Mr. Speaker, I rise today in support of H.R. 4893, the Restricting Indian Gaming to Homelands of Tribes Act. The bill before us improves upon the Indian Gaming Regulatory Act (IGRA) by restricting the interstate expansion of Indian gambling and including states and local communities in the application review process at the Department of Interior. I intend to vote in favor of this bill as it does improve upon the existing law, however I believe IGRA is deeply flawed and in need of more far-reaching reforms in the future.

Congress passed the Indian Gaming Regulatory Act in 1988 in reaction to an ongoing expansion of casino-style gambling on reservations. Following the Supreme Court's Cabazon ruling that states did not have the authority to regulate tribal casinos, Congress elected to establish a framework for Indian gambling in an effort to control its growth. Despite IGRA's passage, or some would say because of it, annual Indian gambling revenues exploded from $100 million in 1988 to over $23 billion in 2005 alone. Today, there are over 410 tribal gaming operations in 32 states.

IGRA requires states to negotiate compacts with tribes wishing to establish casinos. If a state refuses to negotiate, the tribe can sue or the Secretary of Interior can unilaterally grant a casino license to the tribe. In other words, tribes are free to operate casinos in states or communities that do not desire such enterprises. H.R. 4893 attempts to address this problem by requiring tribes applying for a casino license to enter into a memorandum of understanding with local communities regarding shared infrastructure needs, such as roads or utilities, and by requiring the concurrence of a state's governor. However, these provisions only apply on a prospective basis, exempting 23 pending casino applications from the additional requirements. I believe the bill should have applied to these applications as well. Furthermore, the underlying IGRA requirement on states to negotiate compacts or else have a compact dictated by federal officials raises serious constitutional and federalism concerns as a possible violation of the 10th Amendment.

I strongly support the RIGHT Act's ban on so-called "reservation shopping," preventing a tribe that already has land in trust from acquiring non-contiguous lands for gaming purposes. I also applaud the bill's ban on out-of-state off-reservation casinos.

Mr. Speaker, the RIGHT Act is a good bill. While I would like to have seen a stronger bill that undertook more basic reforms of IGRA, the RIGHT Act does take several steps forward by involving local communities and states and installing limits on the expansion of tribal gaming off-reservation and across state lines. I urge my colleagues to support the bill, and continue to work toward further reform in the future.

Mr. SHERMAN. Mr. Speaker, I have always opposed using the suspension process for consideration of controversial legislation. Once again, the Republican leadership is abusing the suspension process to limit debate by bringing H.R. 4893 to the floor as a suspension item. Accordingly, I cannot vote to suspend the rules.

Mr. POMBO. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and pass the bill, H.R. 4893, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KILDEE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this question will be postponed.

DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY AUTHORIZATION ACT OF 2006

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (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, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Department of Veterans Affairs Medical Facility Authorization Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Authorization of major medical facility project, Biloxi and Gulfport, Mississippi.
Sec. 3. Authorization of design, construction, and operation of major medical facility project, New Orleans, Louisiana.
Sec. 4. Authorization of design, construction, and operation of a major medical facility project, Charleston, South Carolina.
Sec. 5. Authorization of site purchase for major medical facility project, replacement site, Denver Colorado.
Sec. 6. Extension of authorization for certain major medical facility construction projects previously authorized in connection with Capital Asset Realignment Initiative.
Sec. 7. Authorization of major medical facility leases.
Sec. 8. Authorization of appropriations.
Sec. 9. Sense of Congress and report on option for medical facility improvements in San Juan, Puerto Rico.
Sec. 10. Land conveyance, city of Fort Thomas, Kentucky.
Sec. 11. Establishment within the Department of Veterans Affairs of a career position responsible for Department-wide construction and facilities management.
Sec. 12. Business plans for enhanced access to outpatient care in certain rural areas.
Sec. 13. Report on option for construction of a Department of Veterans Affairs medical center in Okaloosa County, Florida.

SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT, BILOXI AND GULFPORT, MISSISSIPPI.

(a) PROJECT AUTHORIZATION.—The Secretary of Veterans Affairs may carry out a major medical facility project for restoration of the Department of Veterans Affairs Medical Center, Biloxi, Mississippi, and consolidation of services performed at the Department of Veterans Affairs Medical Center, Gulfport, Mississippi.

(b) COST LIMITATION.—The project authorized by subsection (a) shall be carried out in an amount not to exceed $310,000,000.

(c) REQUIREMENT FOR JOINT-USE FACILITY.—The project authorized by subsection (a) may only be carried out as part of a joint-use facility shared by the Department of Veterans Affairs with Keesler Air Force Base, Biloxi, Mississippi.

SEC. 3. AUTHORIZATION OF DESIGN, CONSTRUCTION, AND OPERATION OF MAJOR MEDICAL FACILITY PROJECT, NEW ORLEANS, LOUISIANA.

(a) AGREEMENT AUTHORIZED.—The Secretary of Veterans Affairs may enter into an agreement with the Louisiana State University to design, construct, and operate a co-located, joint-use medical facility in *or near* New Orleans to replace the medical center facility for the Department of Veterans Affairs Medical Center, New Orleans, Louisiana, damaged by Hurricane Katrina in August 2005.

(b) COST LIMITATION.—Advance planning and design for a co-located, joint-use medical facility in *or near* New Orleans under subsection (a) shall be carried out in an amount not to exceed $100,000,000.

SEC. 4. AUTHORIZATION OF DESIGN, CONSTRUCTION, AND OPERATION OF A MAJOR MEDICAL FACILITY PROJECT, CHARLESTON, SOUTH CAROLINA.

(a) AGREEMENT AUTHORIZED.—The Secretary of Veterans Affairs may enter into an agreement with the Medical University of South Carolina to design, construct, and operate a co-located joint-use medical facility in Charleston, South Carolina, to replace the Ralph H. Johnson Department of Veterans Affairs Medical Center, Charleston, South Carolina.

(b) COST LIMITATION.—Advance planning and design for a co-located, joint-use medical facility in Charleston, South Carolina, under subsection (a) shall be carried out in an amount not to exceed $70,000,000.

SEC. 5. AUTHORIZATION OF SITE PURCHASE FOR MAJOR MEDICAL FACILITY PROJECT, REPLACEMENT SITE, DENVER COLORADO.

(a) AUTHORIZATION.—The Secretary of Veterans Affairs may enter into an agreement to purchase a site for the replacement of the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed $98,000,000.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report identifying and outlining the various options available to the Department for replacing the current Department of Veterans Affairs Medical Center, Denver, Colorado. The report shall include the following:

(1) The feasibility of entering into a partnership with a Federal, State, or local governmental agency, or a suitable non-profit organization, for the construction and operation of a new facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

SEC. 6. EXTENSION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each such project to be carried out in the amount specified for that project:

(1) Construction of an outpatient clinic and regional office at the Department of Veterans Affairs Medical Center, Anchorage, Alaska, in an amount not to exceed $75,270,000.

(2) Consolidation of clinical and administrative functions of the Department of Veterans Affairs Medical Center, Cleveland, Ohio, and the Department of Veterans Affairs Medical Center, Brecksville, Ohio, in an amount not to exceed $102,300,000.

(3) Construction of the extended care building at the Department of Veterans Affairs Medical Center, Des Moines, Iowa, in an amount not to exceed $25,000,000.

(4) Renovation of patient wards at the Department of Veterans Affairs Medical Center, Durham, North Carolina, in an amount not to exceed $9,100,000.

(5) Correction of patient privacy deficiencies at the Department of Veterans Affairs Medical Center, Gainesville, Florida, in an amount not to exceed $85,200,000.

(6) 7th and 8th floor wards modernization addition at the Department of Veterans Affairs Medical Center, Indianapolis, Indiana, in an amount not to exceed $27,400,000.

(7) Construction of a new medical center facility at the Department of Veterans Affairs Medical Center, Las Vegas, Nevada, in an amount not to exceed $406,000,000.

(8) Construction of an ambulatory surgery/outpatient diagnostic support center in the Gulf South Submarket of Veterans Integrated Service Network (VISN) 8 and completion of Phase I land purchase, Lee County, Florida, in an amount not to exceed $65,100,000.

(9) Seismic corrections, Buildings 7 and 126, Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed $107,845,000.

(10) Seismic corrections, Buildings 500 and 501, Department of Veterans Affairs Medical Center, Los Angeles, California, in an amount not to exceed $79,900,000.

(11) Construction of a new medical center facility, Orlando, Florida, to be located at the site in Lake Nona known as site selection C, which is directly south of the interchange between SR-417 and Lake Nona Boulevard and is part of a science and research park that is likely to include the proposed campus of the medical school of the University of Central Florida, in an amount not to exceed $377,700,000.

(12) Consolidation of campuses at the University Drive and H. John Heinz III divisions, Pittsburgh, Pennsylvania, in an amount not to exceed $189,205,000.

(13) Ward upgrades and expansion at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed $19,100,000.

(14) Construction of a spinal cord injury center, Department of Veterans Affairs Medical Center, Syracuse, New York, in an amount not to exceed $77,700,000.

(15) Upgrade essential electrical distribution systems, Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $49,000,000.

(16) Expansion of the spinal cord injury center addition, Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $7,100,000.

(17) Blind rehabilitation and psychiatric bed renovation and new construction project, Department of Veterans Affairs Medical Center, Temple, Texas, in an amount not to exceed $56,000,000.

SEC. 7. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

(a) FISCAL YEAR 2006 LEASES.—The Secretary of Veterans Affairs may carry out the

following major medical facility leases in fiscal year 2006 at the locations specified, in an amount for each lease not to exceed the amount specified for that location:

(1) For an outpatient clinic, Baltimore, Maryland, $10,908,000.

(2) For an outpatient clinic, Evansville, Indiana, $8,989,000.

(3) For an outpatient clinic, Smith County, Texas, $5,093,000.

(b) FISCAL YEAR 2007 LEASES.—The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2007 at the locations specified, in an amount for each lease not to exceed the amount specified for that location:

(1) For an outpatient and specialty care clinic, Austin, Texas, $6,163,000.

(2) For an outpatient clinic, Lowell, Massachusetts, $2,520,000.

(3) For an outpatient clinic, Grand Rapids, Michigan, $4,409,000.

(4) For up to four outpatient clinics, Las Vegas, Nevada, $8,518,000.

(5) For an outpatient clinic, Parma, Ohio, $5,032,000.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2006 for the Construction, Major Projects, account, a total of $578,000,000, of which—

(1) $310,000,000 is for the project authorized in section 2;

(2) $100,000,000 is for the advance planning and design authorized in section 3;

(3) $70,000,000 is for the advanced planning authorized in section 4; and

(4) $98,000,000 is for the purchase of a site authorized in section 5.

(b) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY PROJECTS UNDER CAPITAL ASSET REALIGNMENT INITIATIVE.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, $1,758,920,000 for the projects specified in section 6.

(c) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY LEASES.—

(1) FISCAL YEAR 2006 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2006 for the Medical Care account, $24,990,000 for the leases authorized in section 7(a).

(2) FISCAL YEAR 2007 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Medical Care account, $26,642,000 for the leases authorized in section 7(b).

(d) LIMITATION.—The projects authorized in sections 2, 3, 4, 5, and 6 may only be carried out using—

(1) funds appropriated for fiscal year 2006 or 2007 pursuant to the authorization of appropriations in subsections (a), (b), and (c);

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2006 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2006 or 2007 that are available for obligation; and

(4) funds appropriated for Construction, Major Projects, for fiscal year 2006 or 2007 for a category of activity not specific to a project.

SEC. 9. SENSE OF CONGRESS AND REPORT ON OPTION FOR MEDICAL FACILITY IMPROVEMENTS IN SAN JUAN, PUERTO RICO.

(a) SENSE OF CONGRESS.—Recognizing that concern for the need for medical facility improvements in San Juan, Puerto Rico, is not being adequately addressed, it is the sense of Congress that the Secretary of Veterans Affairs should take steps to explore all options for addressing that concern, including the option of a public/private partnership to construct and operate a facility that would replace the current Department of Veterans Affairs medical center in San Juan, Puerto Rico.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report identifying and outlining the various options available to the Department for replacing the current Department of Veterans Affairs Medical Center, San Juan, Puerto Rico. The report shall include the following:

(1) The feasibility of entering into a partnership with a Federal, Commonwealth, or local governmental agency, or a suitable non-profit organization, for the construction and operation of a new facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

SEC. 10. LAND CONVEYANCE, CITY OF FORT THOMAS, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Veterans Affairs may convey to the city of Fort Thomas, Kentucky (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including the 15 structures located thereon, consisting of approximately 11.75 acres that is managed by the Department of Veterans Affairs and located in the northeastern portion of Tower Park in Fort Thomas, Kentucky. Any such conveyance shall be subject to valid existing rights, easements, and rights-of-way.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the conveyed real property, as determined by the Secretary.

(c) TREATMENT OF CONSIDERATION.—The consideration received under subsection (b) shall be deposited, at the discretion of the Secretary, in the ''Medical facilities'' account or the ''Construction, minor projects'' account (or a combination of those accounts) and shall be available to the Secretary, without limitation and until expended—

(1) to cover costs incurred by the Secretary associated with the environmental remediation of the real property before conveyance under subsection (a); and

(2) with any funds remaining after the Secretary has covered costs as required under paragraph (1), for acquisition of a site for use as a parking facility, or contract (by lease or otherwise) for the operation of a parking facility, to be used in connection with the Department of Veterans Affairs Medical Facility, Cincinnati, Ohio.

(d) RELEASE FROM LIABILITY.—Effective on the date of the conveyance under subsection (a), the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the conveyed real property, but shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of conveyance, consistent with chapter 171 of title 28, United States Code.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers necessary to protect the interests of the United States.

SEC. 11. ESTABLISHMENT WITHIN THE DEPARTMENT OF VETERANS AFFAIRS OF A CAREER POSITION RESPONSIBLE FOR DEPARTMENT-WIDE CONSTRUCTION AND FACILITIES MANAGEMENT.

(a) ESTABLISHMENT OF POSITION.—Chapter 3 of title 38, United States Code, is amended by inserting after section 312 the following new section:

''§ 312A. Director, Construction and Facilities Management

''(a) CAREER POSITION.—There is in the Department the position of Director, Construction and Facilities Management. The position of Director, Construction and Facilities Management, is a career position with responsibility for construction and facilities management across the Department, including responsibility for all major and minor construction projects. The individual appointed as Director shall be appointed by the Secretary and shall provide direct support to the Secretary and report to the Deputy Secretary of the Department.

''(b) QUALIFICATIONS.—The individual appointed to the position of Director, Construction and Facilities Management, shall be an individual who—

''(1) holds an undergraduate or master's degree in architectural design or engineering; and

''(2) has substantive professional experience in the area of construction project management.

''(c) RESPONSIBILITIES.—The individual appointed to the position of Director, Construction and Facilities Management, shall be responsible for overseeing and managing the planning, design, construction, and facilities operation, including infrastructure, of the Department's major and minor construction projects and performing such other functions as the Secretary prescribes. Such oversight and management responsibilities shall include each of the following:

''(1) Developing and updating short and long-range strategic capital investment strategies and plans.

''(2) Planning, designing, and building facilities, determining architectural and engineering requirements as well as ensuring compliance with all applicable laws relating to the Department's construction program.

''(3) Overseeing and managing the construction of Department facilities.

''(4) Managing the Department's short and long-term leasing activity.

''(5) Repairing and maintaining the Department's facilities, including custodial services, building management and administration, and maintenance of roads, grounds, and infrastructure.

''(6) Managing the procurement and acquisition processes, including contract award related to design, construction, furnishing, and supplies and equipment.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 312 the following new item:

''312A. Director, Construction and Facilities Management.''.

SEC. 12. BUSINESS PLANS FOR ENHANCED ACCESS TO OUTPATIENT CARE IN CERTAIN RURAL AREAS.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a business plan for enhanced access to outpatient care (as described in subsection (b)) for primary care, mental health care, and specialty care in each of the following areas:

(1) The Lewiston-Auburn area of Maine.

(2) The area of Houlton, Maine.

(3) The area of Dover-Foxcroft, Maine.

(4) Whiteside County, Illinois.

(b) MEANS OF ENHANCED ACCESS.—The means of enhanced access to outpatient care to be covered by the business plans under subsection (a) are, with respect to each area specified in that subsection, one or more of the following:

(1) New sites of care.

(2) Expansions at existing sites of care.

(3) Use of existing authority and policies to contract for care where necessary.

(4) Increased use of telemedicine.

SEC. 13. REPORT ON OPTION FOR CONSTRUCTION OF A DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN OKALOOSA COUNTY, FLORIDA.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report identifying and outlining the various options available to the Department for the placement of a Department of Veterans Affairs Medical Center in Okaloosa County, Florida. The report shall include the following:

(1) The feasibility of entering into a partnership with Eglin Air Force Base for the construction and operation of a new, joint Department of Veterans Affairs-Department of Defense facility.

(2) The medical, legal, and financial implications of each of the options identified, including recommendations regarding any statutory changes necessary for the Department to carry out any of the options identified.

(3) A detailed cost-benefit analysis of each of the options identified.

(4) Estimates regarding the length of time and associated costs needed to complete such a facility under each of the options identified.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5815, the Department of Veterans Affairs Medical Facility Authorization Act of 2006, would ensure that we will act officially and provide the right facilities at the right places given the current veteran populations that we can expect in the coming years.

I thank my colleagues, HENRY BROWN, the chairman of our Subcommittee on Health, and MIKE MICHAUD, the subcommittee ranking member, for their hard work on a bipartisan bill that deploys new models for providing health care. These models show great promise for veterans who want cutting-edge care as close to their home as possible.

Mr. Speaker, the very nature of health care delivery has changed dramatically over the last 15 years, yet the VA has not built a single hospital in that time. Some challenges ahead of us deal with, for example, in New Orleans the damage by Hurricane Katrina and that along the coast of Mississippi. Some put a price tag on a new New Orleans VA facility at around $600 million. I recently toured a new cutting-edge tertiary care hospital in Indiana built for about $280 million. So trying to figure out how we build new hospitals for the government and at the same time trying to do one that is cost effective is the challenge.

When we look at the VA, the VA has some aging infrastructure and we must replace some facilities, not only the ones damaged by the hurricanes, but also we need to modernize others. This bill will help rationalize the work, including the actions necessary along the Gulf Coast where we restored the VA medical centers in Biloxi and in New Orleans.

We will also move forward with construction in Charleston, South Carolina, with regard to delivering a new model, and Mr. BROWN will be talking about that in a moment. We will be purchasing property in Denver. We will work toward a facility in San Juan, Puerto Rico. The bill would authorize the construction of 17 major facility projects authorized in the last session of Congress, including Las Vegas and Orlando, all of which align with the demand projected for the next two decades.

Mr. Speaker, after World War II, the VA faced a huge influx of returning service members and a worrisome shortage of doctors. Responding to the challenge, the VA in 1946 formed its affiliation program with medical schools.

A wise decision at the VA, made two generations ago by some far-seeing leaders, among them Army General Omar Bradley, a post war VA administrator, enabled the agency to avail itself of the country's best doctors and nurses, and opened VA to the country's best health care practices, ensuring it had the capacity to care for millions of new patients.

According to VA, more than 150 VA facilities have affiliations with more than 100 medical schools, dozens of dental schools and more than 1,200 other schools across the country. VA trains 50,000 students and residents each year, more than half of the physicians practicing in the United States, and a similar portion of nurses, I might add, have experienced parts of their professional education in the VA health care system. The VA has built up considerable experience leveraging service and quality throughout this collaboration.

As the visionaries of 1946 dared to look beyond the familiar patterns, we must now be willing to consider the possibilities that new ideas generate. These new ideas can also generate controversy. Some veterans are concerned that some form of collaboration may dilute the ''veterans' identity'' of a VA hospital. That is not an intention on our part at all.

Mr. Speaker, the facts show that the last 50 years of affiliation have meant better VA care for veterans. If a veteran in the Capital area went to Washington, DC Veteran Center for an emergency, that veteran would likely be seen by a doctor also on staff at the George Washington University Medical Center. A veteran being seen at the Ralph Johnson VA Medical Center in Charleston, South Carolina, is almost certain, the chances are about 90 percent, to be seen by a doctor also on staff with the Medical University of South Carolina. You do not hear complaints from veterans about these arrangements.

H.R. 5815 would position VA to leverage existing affiliation relationships with top notch medical universities and build a new relationship with these universities, while preserving the veterans' identity through a collaboration of shared facilities.

In Biloxi, the bill would take advantage of the joint-use facility being shared with Keesler Air Force Base in Biloxi.

Veterans in the New Orleans area would benefit from a new agreement that we are most hopeful could have fruition with Louisiana State University for the construction and operation of a collocated joint-use medical facility.

In Charleston, South Carolina, we would move forward with the building and operation of a joint-use facility with the Medical University of South Carolina.

Mr. Speaker, this legislation would authorize the purchase of a site in Denver for the ultimate replacement of the medical facility there and would require the VA to report to us and our Senate counterpart on the viability of engaging in a public-private partnership that would reduce taxpayer burden as construction begins.

Mr. Speaker, resources are not on the side of isolated facilities. Enhanced collaboration means that the most expensive equipment, such as medical imaging devices, could be shared between VA and university facilities. As new technology becomes available with its inevitable steep price tag, it could be more easily acquired through these collaborative efforts.

Sharing expensive capital assets reduces duplication and waste. Physicians can more easily travel from the university facility to the VA's facility. That, in turn, means that the veterans will get quality care much faster. This logic has appealed to veterans advocates with whom I have spoken.

This bill would also help the VA grow the expertise that has gone fallow over the past decade and a half, since VA's last construction project. H.R. 5815 would establish within the VA a senior Civil Service position whose role would be to provide department-wide executive leadership over all construction and facility management.

Mr. Speaker, the total cost of this legislation is approximately $2.4 billion.

Shortly I will turn to my distinguished colleague, Mr. BROWN of South Carolina, chairman of the Subcommittee on Health, for a detailed explanation of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 5815. This legislation will authorize the Department of Veterans Affairs major medical facility projects and leases for fiscal year 2006 and 2007. I wish to commend my good friend and colleague, the chairman of the committee, Chairman BUYER, for his willingness to bring this legislation forward to the House. It is an excellent piece of legislation. I want to commend also a good friend and colleague, the chairman of the Health Subcommittee, HENRY BROWN of South Carolina, for his work on this legislation as well.

It is a good bill. It is long overdue that the Committee on Veterans Affairs and this Congress get back to our job of authorizing construction of veterans medical facilities. This bill takes important steps forward in rebuilding the VA's presence in New Orleans and Mississippi. It is important that we do all that we can to help our veterans in the Gulf region. This bill also authorizes many of the VA's most urgent projects, projects whose authorization expires at the end of the month.

I am eagerly awaiting further study and discussion of possible collaborative efforts of the VA that may result in both enhanced care for patients and savings for our taxpayers. Although I am excited about these possibilities, we must also make sure that the needs of veterans are fully met and that the veterans health care system retains its distinct identity as a health care system dedicated to the unique needs of our veterans.

If this health care system is to maintain its position at the forefront of American medicine, then we must make prudent investments in the infrastructure that will enable this care to take place. We must modernize these facilities that are antiquated, we must build new facilities in areas that are seeing increased numbers of veterans and we must take steps to ensure that the underserved areas do not remain underserved for long.

I would like to thank the staff of both sides of the aisle for their hard work on this legislation. They put a lot of time and effort in this legislation.

This is a good, bipartisan bill, and I hope our committee can bring more good bills like this one to the floor before the end of the year. I urge my colleagues to support H.R. 5815.

Mr. BUYER. Mr. Speaker, I yield 6½ minutes to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank our committee chairman, Mr. BUYER, for all of his hard work in bringing this bill to the House floor this morning. Also I would like to recognize the work of my good friend and ranking member of the subcommittee, Mr. MICHAUD of Maine, for his contribution and bipartisanship and cooperation in moving this bill forward.

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I believe it is vital that VA better manage their medical facility capital assets to meet the needs of our Nation's veterans. VA has not constructed a new hospital in nearly 15 years, and as a result, a good amount of this institutional memory has been lost. It is important that we reassemble the processes that will allow VA to build appropriately sized facilities where they are truly needed and, at the same time, be prudent stewards of the taxpayers' money. Opportunities exist to reevaluate the traditional thinking and create new models for facility financing and construction that take full advantage of existing and potential collaborative relationships with medical universities, research partners, and other nonprofit organizations.

My bill, H.R. 5815, as amended, would ensure that major medical facility projects are appropriately prioritized and support the out-year health care demands of the veteran population. It would reinstitute a sense of centralized, consolidated institutional knowledge within the VA in the areas of construction and project management and also require VA to embrace opportunities to improve the quality of the care delivered through collaborative partnerships.

Collaboration is becoming increasingly essential in delivering health care across the Nation. So long as we remain true to the distinct identity of the VA, and so long as we ensure the continued quality associated with VA care, VA collaboration on joint ventures with its extensive medical university affiliations and the Department of Defense can be mutually advantageous for all organizations by reducing capital and operational costs and eliminating duplications of clinical infrastructure such as operating rooms, labs, and expensive medical equipment.

Let me briefly highlight some of the measures included in the bill. H.R. 5815 would authorize a total of about $2.4 billion for VA medical facility construction projects and leases.

Section 2 of the bill would authorize $310 million to restore the VA medical center in Biloxi, Mississippi, and consolidate the services performed in Gulfport, Mississippi because of the damage from Hurricane Katrina. The project authorized may only be carried out as part of the joint-use facility shared by VA with Keesler Air Force Base, which is also in Biloxi and located in very close proximity to the existing VA medical center.

Section 3 of the bill would authorize $100 million for VA to enter into an agreement with the Louisiana State University to design, construct, and operate a co-located, joint-use medical facility in or near New Orleans to replace the medical center damaged by Hurricane Katrina in August of 2005. The $100 million for advance planning and design effectively places a ceiling on how much can be expended while LSU and VA work toward a viable, collaborative model of care. This allows Congress the ability to assess progress and exercise prudent oversight prior to the actual construction of the facility.

Section 4 of the bill would authorize $70 million for VA to enter into an agreement with the Medical University of South Carolina to design, construct, and operate a co-located, joint-use medical facility in Charleston, South Carolina, to replace the Ralph H. Johnson VA Medical Center. Similar to New Orleans, this provision allows the Department and Medical University the opportunity to thoroughly examine the opportunities and benefits that may exist as a result of co-location, while only providing the funding necessary to plan and design a new facility. I would like to share my special thanks with the chairman of the committee, STEVE BUYER, for his diligence on this project.

We have come a long way with the VA over the past years, and I appreciate the momentum you have helped provide. Thank you, Mr. Chairman.

Section 5 of the bill would authorize $98 million for VA to purchase a site for the replacement of the VA medical center in Denver, Colorado. It would also require VA to submit a report to this committee and our Senate counterpart on the viability of entering into a public-private partnership for the construction and operation of the anticipated replacement facility. This would allow the taxpayers a reprieve from front-end loading the capital costs associated with building a state-of-the-art facility.

Section 6 of the bill would extend authorization for 17 major medical facility construction projects previously authorized under Public Law 108–170, but for which VA is unlikely to have contracts awarded by the end of this fiscal year. The bill would authorize $1.76 billion for these projects. The projects include the construction of

new medical centers in Las Vegas, Nevada, and Orlando, Florida, and the expansion of the Spinal Cord Injury Center in Tampa, Florida.

Section 7 of the bill would authorize the appropriation of $52 million and give VA the authorization to enter into certain major medical facility leases in eight different areas for needed outpatient clinics.

Section 9 of the bill expresses the sense of Congress that VA should take steps to explore all options prior to our approval of funding expensive renovations in San Juan, Puerto Rico, that in the end will still fall short of the capacity needed to handle the projected workload for the region. VA would be required to provide a report on the various options available, including the option of a public or nonprofit organization partnership to construct and operate a new facility that would replace the current medical center.

Section 11 of the bill would establish within VA a new career position with responsibility for construction and facilities management across all segments of the Department.

Mr. Speaker, this is a carefully developed bill that represents the diligence and bipartisan work of the committee in this jurisdiction over VA construction matters. The key provisions of H.R. 5815 are supported by the administration, and I urge my colleagues to join me in support of this legislation.

Mr. MICHAUD. Mr. Speaker, I yield 4 minutes to the good gentleman from California, BOB FILNER.

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding and thank the committee and the Chair for moving this bill forward.

I rise also in support of H.R. 5815. It has been some time now since Congress acted to address the health care infrastructure of the Department of Veterans Affairs. I am pleased, along with everyone else, that the Committee on Veterans' Affairs has reasserted its traditional role in this area.

We have supported the CARES process, the Capital Asset Realignment for Enhanced Services, but have always maintained that the most important part of that acronym is at the end, that is, ''enhanced services.'' Realignment is certainly essential, but enhanced services are critical.

As the CARES report to the Secretary stated in 2004: ''VA infrastructure and support facilities, many built in the aftermath of World War II, are not all configured for contemporary health care delivery, and some are no longer appropriately located. Moreover, with an average age exceeding 50 years, these buildings are becoming more costly to maintain.''

We all know that VA health care is a national asset. Our committee has been trying to ensure that veterans receive the health care they have earned and deserve. While health care funding should remain our biggest priority, we must also see to it that the facilities where veterans receive this health care are modern and up to date, as well as conveniently located to their place of residence. It is difficult to provide the most modern health care in facilities that are half a century old. It is time that we recognize this and move forward in bringing the aging VA infrastructure up to the standards of the 21st century.

This bill is an important step in the process. It provides the authorization for the VA to complete the projects it has started. It provides the authorization for us to rebuild VA facilities that were destroyed by Hurricane Katrina, and it provides authority to further the VA's collaborative efforts, efforts that hold the promise of enhancing health care for our veterans while maintaining the unique identity of the VA health care system.

We must ensure that VA construction projects are authorized, that the resources are provided to quickly complete them, and that we provide all the resources needed to maintain high quality health care in the Veterans Administration. We must keep our promises to the men and women who have served our Nation in the past and, of course, are serving us today.

So I thank my colleagues on the Veterans' Affairs Committee for their work on this issue and urge speedy passage of this important legislation.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes to the gentlewoman and fighter for veterans issues from the great State of Florida, CORRINE BROWN.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I am pleased to support this bill and the hard work put in by Chairman BROWN and Ranking Member MICHAUD.

I am especially pleased that the committee has chosen to authorize the construction of a new medical center facility in Orlando, Florida, for $377.7 million and to require the facility to be located at the site in Lake Nona known as site selection C.

It has been documented for 25 years, let me repeat, 25 years, that a VA hospital is badly needed in central Florida. As a 14-year member of the Veterans' Affairs Committee, I have been working to obtain a hospital in this area, something that has always been one of my top committee priorities. When the Naval Training Center was closed, I was excited to work with former Secretary Jesse Brown to open the clinic that was badly needed for central Florida veterans. It is time for a full medical center.

It is important that the veterans of the central Florida region have a VA medical center that will serve all the needs to provide the type of health care that the VA is known for.

I am especially pleased that the VA medical center will be co-located with the new Florida State medical school near an urban medical complex, in an area where doctors and research professors can work collaboratively on the needs of our area veterans. As many studies have shown, teaching hospitals give the best care and for the veterans to have access to this care and the veterans to have the same access is invaluable. It is the ultimate urban model, one that needs to be followed at all levels of medical treatment from Florida and throughout the Nation.

The many hearings we have held to discuss the benefits of working together have shown the benefits, and the path has been set for success in other institutions. This is a win-win for everyone in the VA system in the central Florida area, and the veterans are truly deserving of this facility.

Again, this is a great day and long overdue day for the central Florida community and for central Florida veterans. It is also a great day for all veterans from all over the Nation who will come to central Florida.

Thank you again, Mr. Chairman and Mr. Ranking Member.

Mr. BUYER. Mr. Speaker, at this time I yield 2½ minutes to the delegate from Puerto Rico (Mr. FORTUÑO).

Mr. FORTUÑO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the Veterans Affairs Medical Facility Authorization Act. This bipartisan proposal, which I am honored to cosponsor with Chairman BROWN and Ranking Member MICHAUD, would authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007.

As Puerto Rico's sole representative in Congress, I want to thank Chairman BROWN and Ranking Member MICHAUD for agreeing to include section 9 of this bill. This section recognizes the need for medical facility improvements in San Juan, Puerto Rico. I request that the Secretary of Veterans Affairs take steps to explore all options for addressing these concerns, including the option of a public/private partnership to construct and operate a facility that would replace the current Department of Veterans Affairs medical center in San Juan, Puerto Rico. The San Juan VA Medical Center is a 319-acute-care-bed facility with documented condition deficiencies.

In October of 2002, a decision was made to develop a two-phased strategy for the San Juan VA Medical Center: phase one, a new six-story tower with 314 beds; phase two, a main building renovation that will include asbestos abatement, sprinklers, utility improvements, and would correct seismic deficiencies.

On April 14, 2006, an $84.05 million construction contract was awarded for phase one. The building is expected to be completed in May 2009. The existing facility has approximately 630,845 gross square feet, and the proposed new tower would provide an additional 250,000 feet. However, the CARES review determined that San Juan, based on current and projected workload, requires a total of 1,283,547 gross square feet to efficiently service our veterans. The current two-phase plan still falls

far short of the requirements identified under CARES by nearly 402,702 gross square feet.

□ 1315

Given the documented substantial facility deficiencies, I am concerned about the U.S. taxpayers continuing to fund expensive renovations in San Juan which will ultimately fail to meet the capacity needed to handle the predicted workload.

For this reason, this bill requires that no later than 180 days after the date of the enactment of this act, the Secretary of Veterans Affairs shall submit to the Committee of Veterans' Affairs of the House and the Senate a report identifying and outlining the various options available to the Department for replacing the current Department of Veterans Affairs Medical Center in Puerto Rico.

Mr. Speaker, Puerto Rican veterans have served with honor and distinction in the Armed Forces of the United States in all wars and conflicts since 1917. Currently, over 9,000 of our men and women are active in our Nation's war on terrorism. Puerto Ricans have always responded to the call of defending our Nation, ranking number sixth in per capita contribution in Army, Reserve, and National Guard, fourth in the Reserve deployments when compared to units, and four Medals of Honor in Korea.

In closing, I would like to once again thank Chairmen BUYER and BROWN, Ranking Members EVANS and MICHAUD, and committee staff for their report and their fine work.

Mr. BUYER. I thank the delegate for his work on this bill.

I yield 1¼ minutes to Mr. STEARNS of Florida.

Mr. STEARNS. Mr. Speaker, I appreciate the time from my distinguished colleague.

I am delighted today that we are voting today on H.R. 5815 that includes about $85 million for the Gainesville, Florida Malcom Randall Medical Center to correct patient privacy deficiencies. My colleagues, north Florida and south Georgia veterans rely on this hospital, and it will be well served by this appropriation. Further, this bill authorizes a long-awaited hospital in Orlando. And like the hospital in Gainesville, there is a synergistic collaboration of VA, academia, and industry research all coming together to make things better.

We initiated the Capital Asset Realignment for Enhanced Services (CARES) process a few years ago. It is a comprehensive, objective system-wide approach to projecting into the future the appropriate function, size, and location of VA facilities. Out of CARES and then-Secretary Principi's recommendation came the decisions on which we are voting today. It was carefully thought out, and I commend the chairman.

What we learned from CARES is nothing we don't all know: veterans, like many seniors, are retiring to Florida. Every day they are crossing the border coming into our hospitals in the southern States, and we need to put the care where the veterans are coming and where they are located, Mr. Speaker. So I look forward to voting on this, and I appreciate the chairman's help.

Mr. MICHAUD. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Nevada who has been a true advocate for veterans health care, Congresswoman SHELLEY BERKLEY.

Ms. BERKLEY. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of this remarkably good piece of legislation, and I would like to thank both Mr. BROWN and Mr. MICHAUD, in particular the chairman Mr. BUYER and our ranking member Mr. FILNER, for bringing us to this point with this legislation.

I had the great pleasure of hosting both Mr. FILNER and Mr. BUYER in Las Vegas so they could see for themselves firsthand what the needs of my veterans were. The day that Mr. BUYER was touring our shared VA hospital facility, the hospital facility was on divert, and unfortunately every other hospital in the Las Vegas area was also on divert. It is a very common occurrence in the fastest growing community in the United States, and that is why this is such an important piece of legislation.

I represent the Las Vegas area of the State of Nevada. It is the fastest growing community in the United States. But I also have the fastest growing veterans population in the United States, and no health care facilities in which to treat these 200,000-plus veterans that call southern Nevada home.

After the CARES study, it was determined that Las Vegas was indeed entitled to an entire medical complex, and I am very happy to say that this piece of legislation authorizes a medical complex that is comprised of three buildings, an 80-bed VA hospital, full-service VA hospital, a full-service outpatient clinic to take care of the needs of our veterans, and a 120-bed long-term facility which is so desperately needed in the southern Nevada area.

It will be located on 147 acres in north Las Vegas on the corner of the 215 and Pecos Road. This land has already been transferred to the VA, so we don't have to worry about the land. This land has already been blessed by the Southern Nevada Paiute Tribe in a remarkable ceremony. We have already been allocated $259 million, and the VA Secretary in his testimony in front of our committee has stated on numerous occasions that the balance of the amount to finish this VA medical complex will be contained in the 2008 budget. I am absolutely delighted to be able to go back to the veterans in southern Nevada and let them know that my colleagues in the United States Congress recognized their needs and are answering the call and providing the needs for our veterans.

I am looking forward to the groundbreaking that will be taking place in October. I am waiting for the VA Secretary to let us know when this groundbreaking will take place. We will do vertical construction at the beginning of next year, and hopefully this complex will be completed for our veterans in 2010.

Mr. BUYER. I yield to Mr. FEENEY of Florida 2 minutes.

(Mr. FEENEY asked and was given permission to revise and extend his remarks.)

Mr. FEENEY. Mr. Speaker, I want to thank Chairman BUYER, I want to thank Chairman BROWN, and I want to thank Ranking Member MICHAUD, because as several of my colleagues from central Florida have said, our community in central Florida, which is home to almost 850,000 veterans, has for 30 years waited to get service that much of the rest of the country has enjoyed.

Over 45 percent of our veterans are underserved, according to the veterans' own criteria in having to travel more than 2 hours for treatment. That doesn't include the many people that call central Florida their winter home from all over the districts from my friends around the rest of the country. It doesn't include the veterans that come as tourists that need immediate attention. We will be able to finally, after three decades, provide the attention that these much deserved veterans need.

I would tell you that over 50 percent of our veterans have a service-connected disability; 18 percent of them have posttraumatic stress syndrome, and it is very difficult for them to travel as far as Jacksonville or Tampa or beyond. We are the largest metropolitan area in the country that is not currently served by a VA medical center. We thank the CARES commission. We congratulate our friends in Las Vegas for their much needed funding for a new hospital, and we are very, very grateful for our colleagues.

I will finish by saying that this site is a very, very exciting site. Five years ago, there was simply nothing existing here. Within 5 years, we will have a University of Central Florida brand-new medical school. We will have a Burnham Institute, one of the finest research medical facilities in the entire world, all sorts of spin-off businesses. The University of Central Florida, the University of Florida, probably Florida State University will all have medical research facilities located nearby.

In sum I would say that, out of nowhere, we have built a medical city, and in the midst of it our great central Florida veterans will be being treated. They will remember what we have done here today. Again, I express my appreciation for all of you.

Today, there are more than 26.5 million veterans living in the United States and Puerto Rico with more than 1.8 million of them residing in the State of Florida. That is the second highest total in America, only behind California. More than one-third of these live in the Central Florida area alone. This number does not include those veterans who choose to

make Florida their home during the winter months of the year and those veterans who visit the numerous vacation areas in Central Florida, which can number in the tens of thousands.

According to the VA, Central Florida is the number one destination for combat veterans and veterans 65 years of age or older. It is also the number one area for veterans who have 50 percent or more service connected disability, and 18 percent of our veterans have post traumatic stress disorder (PTSD).

Yet Orlando is the largest metropolitan area in the country that is not serviced by a VA medical center. In 2004, Orlando and its surrounding area was identified by the Department of Veterans Affairs through the Capital Asset Realignment for Enhanced Services (CARES) Commission as an area in need of a new VA medical center. CARES was intended to be a comprehensive, system-wide approach, identifying the demand for VA care and projecting into the future the appropriate function, size, and location for VA facilities. At this same time, CARES identified the need for a new medical complex in Las Vegas, Nevada. This need was appropriate and warranted, and the facility in Las Vegas has received funding and is scheduled to break ground this year. However, a hospital in Central Florida still remains an idea.

Orlando area veterans along with the 128 active veterans service organizations in the Central Florida region average 2 hours of travel time to get to VA hospitals located in Tampa, Gainesville, and Jacksonville. This includes veterans who live in Orange, Seminole, Brevard, and Volusia counties. In fact, only 45% of our veterans are within the VA's access standards for hospital care. An Orlando VA medical center would cut most drive times in half, making it more convenient and cut down travel costs. A closer facility would also mean veterans would pursue the medical services provided by the VA and lead to a better quality of life, which they deserve.

Concerns have arisen from Central Florida veterans associations in the area that a VA medical center will not come to fruition. At a May 1st public hearing administered by the Orlando VA Hospital Site Selection Committee, many veterans were accusing lawmakers of not caring for veterans because of the slow progress that has been made.

As of now, $25 million had been authorized by the VA for the Orlando VA Medical Center to assist in site selection, design, and planning. Choosing a site needs to be done while balancing the accessibility needs of Central Florida's veterans, along with the long-term economic impact the hospital will have on the State. This is essential as we look for ways to leverage funds to maximize investment benefit.

This bill would authorize more than $377 million for the construction of this desperately needed facility at the Lake Nona site. This site will include a proposed medical school for the University of Central Florida and the future site of a laboratory research facility from the Burnham Institute, one of the world's leading healthcare and cancer research institutes.

This stunning trifecta for Orlando: the VA hospital, the UCF Medical School, and the Burnham Institute will be valuable to both local veterans and the VA, as the medical school and research environment will provide insight into innovative and cutting-edge technologies which could serve as a vehicle for sharing expensive medical equipment. We also have confirmation from Orlando's Florida hospital that they look forward to partnering with the VA to help share in the costs of diagnostic equipment and contribute to residency and staffing needs. This commitment will ensure that those who have served our country have access to additional resources to further enhance the medical services the VA may offer to them.

Veterans in Central Florida have been waiting for nearly three decades for a new complex that has continuously met delays. I appreciate this opportunity to express Central Florida's immediate and urgent need for a medical facility and I strongly urge passage of this bill so that our growing veterans' population may finally have appropriate access to vital health care services.

Mr. MICHAUD. Mr. Speaker, once again I would like to thank the good chairman of the committee, Chairman BUYER, and chairman of the House Subcommittee, HENRY BROWN, for their hard work that they have done on this legislation, really making it a concerted effort to bringing on board today so that we can vote on this legislation. But, once again, the staff. I know this is not an easy process. The staff on both sides of the aisle have worked very diligently in this effort. So I do want to commend the staff on both sides of the aisle, and I really appreciate the chairman's strong advocacy for veterans and veterans issues, and enjoyed working with him on this legislation.

Mr. BUYER. Mr. Speaker, will the gentleman yield?

Mr. MICHAUD. I yield to the gentleman from Indiana.

Mr. BUYER. Likewise, you do such good because you are a genuine human being, and I want to thank you for your leadership. And it was a treat and joy to work with you and Chairman BROWN on this, along with your staff.

I appreciate you also recognizing the staff. Mr. Tucker who is sitting there next to you, when I think of his work, and Mr. Weekly and Ms. Dunn, but also that of Jim Lariviere, Jim who now has been activated as a colonel in the Marine Corps in Afghanistan, Kelly Craven and Jim Holley who is also here on the floor for their hard work.

But I also want to pause and, if I might, this is a pretty large bill and we have had to work with a lot of different Members. So if I might, I would like to thank, in particular, Mr. MICHAUD for your work. I want to thank Mr. EVANS for his bipartisanship and his good work and his leadership. I also want to thank Chairman BROWN for his work on the Charleston project, Mr. FORTUÑO for his work in Puerto Rico, Ms. BERKLEY in Las Vegas, Mr. BEAUPREZ in Denver, Mr. BAKER for New Orleans.

And we got a full court press when it came to Orlando. We had leadership of Mr. STEARNS, Mr. FEENEY, Ms. BROWN, Chairman MILLER, Mr. KELLER, Chairman BILIRAKIS, and Ms. GINNY BROWN-WAITE. So we got the full court press when it came to Orlando; we got the message. And it was just a real treat in working with all of them, and I thank the gentleman for recognizing them.

Mr. MICHAUD. And, likewise, it has been a real treat. And even though I do not represent the State of Florida, there are a lot of snow birds from the State of Maine, veterans that go to Florida. So I have heard from my veterans as well as far as the facilities in Florida. I really appreciate your comments, Mr. Chairman.

Mr. Speaker, I would yield back the balance of my time.

Mr. BUYER. Mr. Speaker, H.R. 5815 is a well-thought-out bill. It is the product of thorough bipartisan collaboration. I urge my colleagues to act favorably now and move this legislation to the Senate so that we can give our veterans the assurances of new and improved medical facilities.

Mr. EVANS. Mr. Speaker, I am pleased to rise in support of H.R. 5815, the VA construction authorization bill. I commend my colleagues on the Committee in producing this important piece of legislation.

I am glad to see Congress once again fulfilling its responsibility to authorize new health care facilities for veterans. This is an important task. Veterans deserve the highest quality of health care.

I urge my colleagues to support this bill.

Mr. BUYER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 5815, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material relative to H.R. 5815, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on H. Res. 996, by the yeas and nays; adopting H. Res. 996, if ordered; and suspending the rules and passing H.R. 4893, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining

electronic votes may be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H. RES. 994, EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES ON FIFTH ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 996, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 223, nays 191, not voting 18, as follows:

[Roll No. 438]

YEAS—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—18

Beauprez
Brown (OH)
Cardin
Davis (FL)
Engel
Frank (MA)
Green (WI)
Harris
Johnson, Sam
Keller
Ney
Nussle
Owens
Sabo
Stark
Strickland
Watson
Wynn

□ 1354

Mr. HIGGINS, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. VAN HOLLEN, Mr. BERRY, Ms. SCHWARTZ of Pennsylvania, Mr. ACKERMAN, and Mr. LARSON Connecticut changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. CARDIN. Mr. Speaker, earlier today, I was unavoidably detained and missed one rollcall vote. Had I been present, I would have voted "nay" on rollcall vote No. 438.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESTRICTING INDIAN GAMING TO HOMELANDS OF TRIBES ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the bill, H.R. 4893, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and pass the bill, H.R. 4893, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 247, nays 171, not voting 15, as follows:

[Roll No. 439]

YEAS—247

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Castle
Chabot
Chocola
Coble
Conaway
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Evans
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Hart
Hastert
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Higgins
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy

Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Solis
Souder
Spratt
Stearns
Sullivan
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—171

Allen
Baird
Baldwin
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Camp (MI)
Capps
Capuano
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Cuellar
Cummings
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayworth
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kucinich
Kuhl (NY)
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickering
Pomeroy
Price (NC)
Rangel
Renzi
Reyes
Reynolds
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Stark
Stupak
Sweeney
Tanner
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—15

Davis (FL)
Engel
Green (WI)
Harris
Johnson, Sam
Keller
Ney
Nussle
Owens
Ros-Lehtinen
Ruppersberger
Sabo
Strickland
Watson
Wynn

□ 1423

Mr. MCHUGH and Mrs. KELLY changed their vote from ''yea'' to ''nay.''

Mr. ENGLISH of Pennsylvania, Mr. MCINTYRE and Mr. FOSSELLA changed their vote from ''nay'' to ''yea.''

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Wednesday morning, September 13, 2006. As a result, I was not recorded for rollcall votes Nos. 438 and 439. Had I been present, I would have voted "aye" on rollcall Nos. 438 and 439.

EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES ON FIFTH ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. KING of New York. Mr. Speaker, as the designee of the majority leader and pursuant to H. Res. 996, I call up the resolution (H. Res. 994) expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 994

Whereas on the morning of September 11, 2001, while Americans were attending to their daily routines, terrorists hijacked four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City and a third into the Pentagon outside Washington, D.C.;

Whereas the heroic actions of the passengers and crew aboard United Flight 93 prevented it from being used as a weapon against America and ultimately led the terrorists to crash the aircraft into a rural field in Shanksville, Pennsylvania, killing all those aboard;

Whereas nearly 3,000 innocent people were murdered in these attacks;

Whereas the terrorist attacks were an act of war by al-Qaeda, its leadership and affiliates against the United States and the many peaceful, democratic nations of the world;

Whereas by targeting symbols of American strength and prosperity, the attacks were intended to assail the principles, values and freedoms of the American people and to intimidate the Nation and its allies;

Whereas when the gravest moments came that day, first responders and many ordinary citizens, relying on courage, instinct, and concern for their fellow man, rushed toward the flaming buildings in order to rescue the victims of the attacks;

Whereas in the days subsequent to the brutal attacks on the Nation, the Government vowed never to be caught off guard again, to take the fight to the terrorists, and to take immediate measures to prepare and protect the Nation against a new type of faceless, inhuman, and amorphous enemy committed to the death and destruction of the American way of life;

Whereas Congress passed, and the President signed, numerous laws to assist victims, combat the forces of terrorism, protect the Homeland and support the members of the Armed Forces who defend American interests at home and abroad, including the USA PATRIOT Act of 2001 and its 2006 reauthorization, the Homeland Security Act of 2002, the Enhanced Border Security and Visa Entry Reform Act of 2002, the Maritime Transportation Security Act of 2002, and the Intelligence Reform and Terrorism Prevention Act of 2004;

Whereas the House of Representatives in the 109th Congress passed the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, the SAFE Port Act of 2006, and the 21st Century Emergency Communications Act of 2006;

Whereas terrorist attacks that have occurred since September 11, 2001, in Egypt, India, Indonesia, Jordan, Spain, the United Kingdom and elsewhere, remind all Americans of the brutal intentions of the terrorists and the ever-present threat they pose to the principles of freedom;

Whereas British authorities, in cooperation with United States and Pakistani officials, recently disrupted an airline terror plot to commit mass murder by blowing up civilian aircraft bound for the United States;

Whereas Federal agencies, including those within the Intelligence Community, the Department of Justice, and the Department of Homeland Security, worked effectively with American allies to investigate and disrupt the airline terror plot and to implement appropriate security procedures in response to the plot;

Whereas United States law enforcement and intelligence agencies and allies of the United States around the world have worked together to detect and disrupt terrorist networks and numerous terror plots since September 11, 2001, including a plan to attack targets on the west coast of the United States using hijacked aircraft in 2002, a plan to attack targets on the east coast of the United States using hijacked civilian aircraft in 2003, a plan to blow up apartment buildings in the United States in 2002, a plan to attack urban targets in the United Kingdom using explosives in 2004, a plan to attack Westerners in Karachi, Pakistan, in 2003, a plan to attack Heathrow Airport using hijacked aircraft in 2003, a plan to conduct large-scale bombings in the United Kingdom in 2004, a plan to attack ships in the Arabian Gulf in 2002, a plan to attack ships in the Straits of Hormuz in 2002, a plan to attack a United States tourist site outside the United States in 2003, a plan to attack Queen Alia Airport in Jordan in 2006, a plan to attack high-profile buildings in Ontario, Canada, in 2006, and a plan to attack an El Al aircraft in 2006;

Whereas the Nation is indebted to the brave military, intelligence, and law enforcement personnel serving in Afghanistan, Iraq, and elsewhere who are on the front lines of the global war on terrorism;

Whereas the Nation is safer than it was on September 11, 2001, but more must always be done because the terrorist threat is latently entrenched, nimble, resourceful, and dedicated to the murder of Americans and the destruction of freedom; and

Whereas the passage of five years has not diminished the pain caused by the senseless loss of nearly 3,000 persons killed on September 11, 2001: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the House of Representatives—

(1) continues to recognize September 11 as a day to remember and mourn those who lost their lives that fateful day;

(2) encourages Americans to make September 11 a day of national service;

(3) extends its deepest sympathies to the spouses, children, mothers, fathers, and other loved ones of the victims of September 11, 2001;

(4) honors the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and bravely risked their own lives and health following the September 11, 2001 attacks;

(5) extends its deepest gratitude to military, intelligence and law enforcement personnel serving both at home and abroad in the global war on terrorism and for the sacrifices of their families and loved ones;

(6) expresses its gratitude to all foreign nations and their citizens who have assisted and continue to assist the United States in the global war on terrorism;

(7) vows that it will remain vigilant in efforts to provide the Federal Government with all the tools necessary to fight and win the global war on terrorism; and

(8) reaffirms that the American people will never forget the tragedy of September 11, 2001, and the loss of innocent lives that day, will continue to fight the war on terrorism in their memory, and will never succumb to the cause of the terrorists.

The SPEAKER pro tempore (Mr. KOLBE). Pursuant to House Resolution 996, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 2 hours.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks and include extraneous material on H. Res. 994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, it is my privilege to yield 1 minute to the Speaker of the House, the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. Mr. Speaker, it was a day, September 11, 2001, of unforgettable horror and unforgettable heroes. It was the day our buildings fell, the day our people rose. The fear and anguish that we felt that bright blue morning 5 years ago will never leave us, but the courage and the iron resolve that carried us through the hours and days that followed must also remain.

The war on terror, today being fought here in our homeland, and around the world, must be won. Five years after 9/11, America is safer and much more alert to the dangers that lurk in the darker corners of our world.

Those dangers yet exist in Afghanistan and Iraq and Iran and Syria, Lebanon and elsewhere. They call themselves al Qaeda and Hamas and Hezbollah and many other names.

Mr. Speaker, their differences of names and nationality neither erase nor even obscure the menacing ideology that binds them together as a single indistinguishable enemy of freedom and justice and peace.

This ideology of evil seeks not simply to dominate, but to destroy the will of all mankind, to control at the tip of a sword our very thought, word and deed. Their ultimatum is simple: submit or die.

Beginning on the morning of September 11, 2001, aboard United Flight 93 in the skies over Pennsylvania, America decided to take a third option. We decided to fight back. Despite the overwhelming odds, despite circumstances that no other nation and no other military could hope to overcome, our resolve has not broken.

In the 5 years since 9/11, our military and our intelligence services have thwarted dozens of attacks, large and small. Their efforts have saved countless lives. Along with our coalition partners, we have overthrown dangerous dictatorships in Afghanistan and Iraq and started to free people of those nations on a road to democracy.

These facts are all laid out in the resolution before us. But as important as it is to recite what we have done, it is more important for this House to assert what it intends to do.

Let me quote from it. The House of Representatives ''reaffirms that the American people will never forget the tragedy of September 11, 2001, and the loss of innocent lives that day, and will continue to fight the war on terrorism in their memory, and will never succumb to the cause of the terrorists.''

To me, and I think to most Americans, after 5 years of security and success, a lapse in our resolve is unthinkable. Victory is not yet assured, and victory without resolve is impossible.

Adoption of this resolution today will be a signal to our Nation, to our troops, to our allies around the world, and especially to our enemies, that we will never forget and we will never surrender.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in honor of all those whose lives were affected by September 11, 2001. I rise in memory of those who lost their lives that fateful day. I rise in support of the families and friends who lost loved ones and exhibited courage and strength in the face of adversity, and I rise in support of the firemen, police, EMTs, soldiers and others who put lives at risk every day to protect our Nation against terrorism.

□ 1430

Five years ago, every town, small and large, was jolted by 9/11. In the days and months that followed, Members of this very body vowed to do whatever it took to ensure that an attack like 9/11 never repeated itself. We joined hands and crossed party lines to stand up against an enemy that did not see us as Democrats or Republicans, but only as Americans. We made promises and swore that we would do everything we could to secure America.

Five years later, we are still making promises and America is still not as safe as it should be. And five years later, Mr. Speaker, the bipartisanship we had after 9/11 is mostly gone.

Indeed, just yesterday, I was disappointed to read that my colleagues across the aisle called Democrats ''clueless'' on national security. Meanwhile, the House majority leader had the audacity to question whether Democrats were ''more interested in safeguarding the rights of accused terrorists than protecting Americans.''

All I can say is, shame on you all for putting politics and partisanship above the security of our communities. Shame on you for using the memory of 9/11 during a charged political season as a coverup for Congress' do-nothing approach to homeland security.

There is nothing wrong with drafting a bipartisan resolution to honor our Nation and respect the memory of 9/11, but there is something wrong when this body takes upon itself to pat itself on the back about a few past deeds when we have left the bulk of the work of homeland security unfinished.

I ask anyone in this room to tell me whether this resolution gives first responders effective interoperability so that they have the tools and funding to talk to one another, or provide for a sufficient number of Border Patrol or ICE agents as well as equipment and technology so we don't have to tax an overworked National Guard to defend the border, or whether or not this resolution provides adequate funding for protecting our skies, our subways and our ports, or whether or not this resolution reverses the ongoing trend of wasting homeland security funds on bloated Beltway contractors that are making out with taxpayer dollars while security is left along the wayside. I think not, Mr. Speaker.

Eleanor Roosevelt once said, ''What you don't do can be a destructive force,'' and that is what I fear. What this Congress does not do today will leave us less secure tomorrow.

Mr. Speaker, last Friday I sent a letter to you urging that the House act on a number of proposed homeland security measures that have been offered in this Congress, some dating back as early as 2005. My letter details 21 specific bills that have been written by Members of Congress to protect our country and close security gaps plaguing our Nation's rail and mass transit security, emergency communications, chemical facilities security, cargo container security and much more. I have not yet heard back on my letter. These bills deserve an up or down vote or consideration as stand alone measures by this House.

The leaders of the 9/11 Commission said earlier this week that our Nation is still not as safe or prepared as it can be because we have failed to fulfill their ''most elementary'' recommendations. 9/11 Commission Chairman Kean

added that ''If everybody in Congress is for recommendations, what happened? How come they're not passed?''

Mr. Speaker, Democrats have already offered to fulfill the Commission's recommendations through these measures listed in my letter. Now is the time for action.

That said, Mr. Speaker, I am aware that the Republican leadership may push through a number of security measures in the House in the next 2 weeks to address certain vulnerabilities in an attempt to show that this body cares about security. While I am happy that we are finally seeing some action on some critical homeland security issues, I am concerned that what will come before this body are shell bills that claim to secure our Nation without allocating the funding, manpower or technology necessary.

Indeed, debate is ongoing right now to include FEMA reorganization in the Homeland Security appropriations bill, and my colleagues across the aisle have said that they won't provide funding for improving interoperability of first responder communication systems. Certainly we all remember the failures of 9/11, when many first responders lost their lives because communications didn't work. Yet my colleagues across the aisle are refusing to include interoperability funding in the proposed FEMA reorganization, because the White House doesn't want it.

''Security on the cheap'' is no way to legislate our Nation's future. Americans are tired of Congress giving itself accolades while the Nation's business goes unfinished. America wants Congress to keep its promises and give all our citizens a country as secure as it needs to be.

Despite my Republican colleagues saying we Democrats don't have a clue about how to make our country safer, here it is: Join us and pass these 21 measures that provide real security to our Nation. Let's finally listen to the true bipartisan experts on this issue, the 9/11 Commission, and move forward with legislation to implement the 9/11 Commission recommendations.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 9/11, September 11, 2001, was a day unlike any in our history. It was a day which saw the worst tragedy befall our Nation. It was a day and the days thereafter which demonstrated the very best in America, the heroism, the courage, the willingness to fight back, the determination never again to allow ourselves to be attacked the way we were on that day.

Since that time, Congress has achieved a lot. The purpose of this resolution today was to show that we are not just going to lament what happened on September 11, we are not just going to mourn what happened on September 11, but we are going to lay the record out as to what has been done and what should be done. And, quite frankly, as the prime author of this resolution, we did not in any way attempt to make it contentious.

For instance, I really wonder why at this stage on the fifth anniversary of September 11 my friends in the opposition have chosen to draw the line on this resolution, when 2 years ago, in a bipartisan resolution which was overwhelmingly adopted, there were far more, if you want to call them, partisan matters included. I don't consider them partisan. But if they are applying the standard they are applying today to the 2004 resolution, where it went through so many items, as the war in Iraq, the war in Afghanistan, Libya, port security, border security, Terrorist Threat Information Center, going after financial assets, all of those matters, very few of which are mentioned in our resolution today.

But for some reason, I guess with election day less than 60 days away, they have chosen to say what was nonpartisan 2 years ago is extremely partisan today.

I regret that, because there is a lot that we still have to do as a Congress, but there is much we achieved, and I believe it is important for us not to just talk about the horror of September 11, but to chronicle for history what we have done, what we intend to do and let history be our judge.

That is why we included the PATRIOT Act, that is why we included the Maritime Security Act, the intelligence reform and port security legislation, because we do believe they are significant achievements by Congress.

Now, maybe history will show it was not right to break down the wall between the FBI and CIA, or it was not right to have to have intelligence reform, but I am content and I think we have an obligation to lay that out and let the American people decide and let history decide.

If we wanted to make this partisan, we could have certainly put in about the NSA electronic surveillance, which the overwhelming majority of Americans support because they believe it makes common sense to listen to the conversations of foreign terrorists. But because of the controversy of that, it was not put in. Nor was the SWIFT Plan, which was illegally disclosed by the New York Times. Did we include that in our resolution, even though that has also been extraordinarily effective?

As far as the issue of whether or not we are safer today than on September 11, both the chairman and cochairman of the 9/11 Commission say we are, the junior Senator from New York says we are, any number of people say we are. We can debate that. But I think it is certainly fair comment to put that in this 9/11 resolution.

Mr. Speaker, I will end on this before I finish my remarks. But I just want to say no one has any monopoly on grief in this Chamber. I lost well over 150 friends, neighbors and constituents on September 11, 2001. I spent all day Monday at cemeteries and commemorations and meeting with families.

I think it is really wrong to somehow attack this resolution as our attempt to be partisan. We could have found much more ways to be partisan if we wanted to. It was an attempt to come together. For whatever reason, the opposition has chosen to draw the line today on the fifth anniversary, when they could have done it 2 years ago. For whatever reason they decided now is the time. I think history will show they are wrong.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I am proud at this time to yield such time as he may consume to the chairman of the Democratic Caucus, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, I would like to thank my friend Mr. THOMPSON for yielding me this time.

Mr. Speaker, 5 years after 9/11, we have still failed to capture or kill Osama bin Laden. We have not destroyed al Qaeda. A new Pentagon report shows that the situation in Iraq is worsening, with the number of attacks against Americans and Iraqis climbing to the highest average per week since the war began; 2,700 United States soldiers have died in Iraq, over 20,000 have been wounded; and United States taxpayers have paid more than $300 billion for the Iraq war. Yet we are spending 4 hours debating a partisan resolution about one of the most tragic days in American history.

Mr. Speaker, now is not the time to divide the country. Slogans and partisanship will not bring us victory. ''Stay the course'' and ''you are either with us or against us'' are not military strategies.

Five years after 9/11, we must be clear: The war in Iraq has distracted us from finding Osama bin Laden, dismantling al Qaeda and fighting the war on terrorism. We must put the future of Iraq in the hands of the Iraqis so we can focus on our primary goal, winning the war on terrorism. We must end the stonewalling and pass the 9/11 Commission recommendations.

But the Republican leadership keeps fighting the wrong battles. They announced yesterday a war against Democrats on security.

Mr. Speaker, our Nation is engaged in a war against a real and brutal enemy who finds pleasure in taking innocent life and who works every day to undermine the freedom and democracy we hold dear. I suggest the Republican leadership focus its energy on fighting that enemy, not their fellow Americans.

As this Nation faces the greatest challenge of our generation, defeating terrorism, our leaders must preach strength and unity, not partisanship and divisiveness.

Mr. KING of New York. Mr. Speaker, I am privileged to yield 2 minutes to

the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I thank the chairman for the time.

Mr. Speaker, 5 years ago this week our Nation suffered an unspeakable terrorist attack that resulted in the deaths of almost 3,000 Americans. This resolution is to honor them.

No American will ever forget the horror of that day, but neither will we forget what else we saw in the days that followed: The courage, the generosity, the selflessness of ordinary Americans who raced in to help in any way they possibly could.

One of those heroes lives in my own backyard. Sergeant Jason Thomas, a former marine who upon learning of the hit on Tower 1, raced to Ground Zero, donning his marine uniform which was in the trunk of his car, to join the search for survivors.

His seemingly illogical instinct to race into that danger saved the lives of two Port Authority police officers who were trapped beneath 20 feet of debris when the towers collapsed. Yet he asked for no notice, no thanks, no praise. No one even knew of his bravery.

As remarkable as Sergeant Thomas' story is, it is just one of the hundreds and thousands of stories of courage and compassion that came out of that day. Mr. Speaker, the hijackers hoped to terrorize and demoralize our Nation. Instead, they brought out the very best that is in us.

□ 1445

Inspired by the heroes of 9/11, today we reaffirm our commitment to defending our liberty from every threat and combating the evil of terrorism wherever it is found. And it is sad that there are so many ''shame on you's'' and finger-shakings going on. And I say shame on those who continue the constant drumbeat to dampen this country's spirit and to demoralize those men and women who are so bravely defending us from the terror that could strike again.

Mr. THOMPSON of Mississippi. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, there is no Democratic or Republican way to honor America. Let's get that straight.

This legislation minimizes the hurt of the families of 9/11. I make that contention. This is not acceptable. I don't say this as a Democrat. I am proud of that fact. I say this as an American who believes in God.

My friend, the gentleman from New York, is absolutely wrong when he says this is the same legislation as 2 years ago. I can agree with all of the ''resolves'' in this legislation, but when you look back into the ''whereases,'' to be very specific, the legislation 2 years ago had nothing in there about immigration when your party does not even agree on a position nor does ours. Why do we put in such a politically contentious issue when basically what we are saying here is we feel your hurt, families, and we want you to know we honor this?

Today I harbor great disappointment. I really do. The possibility for reaching true bipartisanship, which was done in the Senate, has been thwarted. A long list of shameful acts on this floor continues. We could have honored the lives lost during the terrorist attacks 5 years ago by voting on a truly bipartisan bill. When there is an opportunity for crass, in many ways cynical, politics in regard to security, these gentlemen and ladies have taken it. For shame.

Placing a commendation for this immigration security bill that barely passed the House last year within this resolution is from left field. We all know that the bill we are lauding here is one of the most divisive, mean-spirited pieces of legislation we have seen in recent years. So it is the ''resolved'' in this resolution that we agree with, but the ''whereases'' leave much to be desired. Inserting this in this 9/11 anniversary resolution is simply wrong. It is so typical of what we have come to expect.

We should be concerned about what the 9/11 Commission Public Discourse Project has given Congress for its efforts on homeland security. We should try in a bipartisan fashion to correct the D's and the F's, and many of us on both sides of the aisle have attempted to do that. Maybe we could actually improve how we screen baggage and cargo. Maybe we could address the vulnerabilities presented to our rail and our mass transit problems. Maybe, just maybe, we should finally give out grants to States and locals based on risk.

So I say, Mr. Speaker, in conclusion, I think we could have done better, particularly on this hurtful incident in our country's history. And that is my point today.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

I would remind the gentleman from New Jersey that the resolution he voted for 2 years, the 9/11 commemoration resolution, specifically said that Iraq was part of the war on terrorism, that the capture of Saddam Hussein was part of the war against terrorism, all in the ''whereases'' clauses. It also cited the fact of port security achievements we had made there. It mentioned the Terrorist Threat Integration Center, all of which was there in that resolution 2 years ago, which for whatever reason they did not object to then.

And I would say one of the reasons we didn't put the immigration bill in the legislation 2 years ago, it was not passed until last year, and the 9/11 Commission specifically stated that addressing border security is a major element of homeland security.

Mr. Speaker, I yield 2½ minutes to the gentleman from California, the chairman of the subcommittee, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, like many, I was affected by 9/11. As a matter of fact, that is the reason I decided to return to public service and sought an opportunity to serve in this body after a 16-year absence. I have spent a considerable amount of time with my colleagues on both sides of the aisle attempting to fulfill my obligation in that regard. And I am reminded, basically because of my service as attorney general of California, that oftentimes we not only need to mark something that has happened in the past but we need to also talk about the things that we have effectively done to respond to whatever challenges occurred out of that event, because if we do not, we fail to help lead the people, that is, we fail to tell our constituents that those sacrifices that they have made, the programs that they have enacted through us, have had merit. Because if you do not do that, after a while those you seek to represent have no sense that we are actually doing something effective.

So it seems to me very much appropriate, not shameful, that the chairman of my committee would construct this resolution that not only cites the tragedy of 9/11 but talks about the efforts we have made in this Congress, with the executive branch, to respond to the challenges that came out of that tragedy.

Earlier this year the House overwhelmingly passed the SAFE Port Act on a bipartisan basis, 421–2. This act addresses port security defenses within and beyond U.S. ports. As a matter of fact, as we are now speaking, the United States Senate is dealing with that.

We have taken steps to prevent our own facilities from being used against us as weapons of mass destruction and to protect our critical infrastructure. A few months ago our committee passed legislation to guard against terrorist attacks on our chemical facilities on a bipartisan basis.

Finally, we have taken steps, as importantly, to respond to the suggestion by the 9/11 Commission to do something about securing our country by preventing terrorists and their weapons from being smuggled across the borders. So that is the reason why, in fact, we have this included in this resolution.

So, Mr. Speaker, rather than taking exception to this resolution, I would hope that we would join together on a bipartisan basis to say certainly the journey has not ended, but we have done a lot. And anyone who stands here and says that we are not safer today than we were on 9/11 either is tragically uninformed or is intentionally misinforming the American people.

Yes, we have more to do. But we should look back on those things that we have joined together to do successfully.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL) for a response.

Mr. PASCRELL. Mr. Speaker, there is a difference between what the Senate passed unanimously and what we are discussing today.

You will admit that.

And you did not mention the specific item that I mentioned and my problem with the legislation ''whereases'' is on the immigration legislation, which was passed last year. You know quite well it is a contentious subject on your side as well as in the entire Congress.

I have mentioned nothing about the other things and have no problems with the other things that you mentioned, but I think that is enough for me to express myself, and I want to just correct the gentleman.

Mr. THOMPSON of Mississippi. Mr. Speaker, I now yield 3½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, the Republican Party has taken an opportunity to make a positive contribution to the commemoration of the 9/11 anniversary and turned it into a partisan ploy that divides our country and this Congress. What a huge missed opportunity and disservice to our Nation.

At the same time, they have undertaken a coordinated, cynical, political campaign to impugn the patriotism of any Democrat who dares to question, dares to criticize, dares to suggest that there may be a better, safer way of protecting our country.

The Republicans include in this resolution legislation that divides our country, not just Democrats and Republicans in Congress; but they include in this resolution the Republican border security bill, the PATRIOT Act, other bills that they know divide Democrats from Republicans and Americans from other Americans.

If they want to go down the path, there are other issues that divide Democrats from Republicans. Democrats want to implement all of the recommendations of the 9/11 Commission. They want to make sure that every one of them is put on the books. The Republicans oppose implementing all of the recommendations of the 9/11 Commission.

In other areas they oppose having full security built around chemical plants in the United States. There are nightclubs in New York City that are harder to get into than chemical plants in our country.

Nuclear power plants, they oppose the hardening of the spent fuel facilities next to nuclear power plants in our country. They nickel and dime security for public transit. They refuse to support the requirement that hazardous materials, where possible, are shipped around densely populated areas instead of through them in our country.

In aviation they still oppose screening of the cargo which goes on to passenger planes in our country. Each one of us has to take off our shoes, has to put our bag through security, and then nearly 6 billion pounds of cargo are placed under the feet of passengers on planes across our country.

And then, unbelievably, rejecting the recommendation of the 9/11 Commission, knowing that al Qaeda puts at the top of their terrorist target list putting a nuclear bomb on a cargo container in a ship and bringing it into port in the United States, the Republicans object to the requirement that all of these containers be screened in ports overseas before they are ever allowed to leave for the United States. They say it is too expensive. Well, the price we will pay in security for the Republicans objecting to the screening for a nuclear bomb is that when a nuclear bomb goes off in an American city, as Vice President CHENEY said, more deaths will occur than all the lives that were lost in all the battles that the United States fought all the way back to the Revolutionary War. They refuse to impose this mandate for screening of nuclear bombs in cargo container ships. They want to screen it after it gets to a port in the United States. By then it is too late. The 9/11 Commission says screen for nuclear bombs as they are being put into containers overseas before they take off for the ports of the United States.

This resolution is just a complete and total undermining of the solidarity which we should have on this occasion of the fifth anniversary of that loss of life.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

I would remind my friend from Massachusetts, or at least suggest to him, that you don't have to agree with every word of every resolution to vote for it.

For instance, the overwhelming majority of Democrats voted for the 9/11 resolution 2 years ago, which specifically cited the war in Iraq as being an effective part of the war against terrorism. It also cited the arrest of Saddam Hussein and also cited the many accomplishments that had been made by Congress, and they voted for that then. For some reason they have now chosen to make this a very partisan issue.

Also, the gentleman said that Democrats have supported every recommendation of the 9/11 Commission. In fact, 152 Democrats voted against the REAL ID Act, which was supported by the 9/11 Commission.

And as far as the whole issue of the nuclear screening, even the Washington Post said that is nothing but a grandstand.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. MCCAUL).

□ 1500

Mr. MCCAUL of Texas. Mr. Speaker, we stand here today not as Republicans or Democrats, but united as Americans to remember the events of September 11, as it should be.

I find this debate should not fall into election year politics. It is fitting the resolution contains border security in it, as the 9/11 Commission recommended border security. It is an issue of national security.

Five years ago this week, our generation was defined by the heroic actions of the hundreds of first responders, brave Americans, and innocent victims who gave their lives on 9/11. That day, 19 al Qaeda hijackers murdered nearly 3,000 Americans. Those terrorists had a simple cause, inflict the highest loss of life and the most damage they could to our Nation. They may have succeeded in murdering thousands of people going about their daily lives, but they failed miserably to defeat the patriotic spirit of America and of freedom everywhere.

When we remember the events of September 11, we must also remember the police officers and firefighters that responded to the attacks on the World Trade Center and the Pentagon who went in to save lives but gave their own lives in the process. We must remember the first responders from every corner of our Nation who came to Ground Zero in the days after to lend their strength, their skills, and their support. And we must remember the innocent people, the husbands and wives, the parents and children, and the entire families who were ripped apart that fateful day that the Towers fell. We must always remember. We will never forget and we will never surrender. That is our duty as Americans, and that is our charge as patriots.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, today I rise to join my colleagues and millions of Americans in mourning and honoring those who bravely lost their lives on September 11, 5 years ago. Their memories must be honored and they must not be forgotten, and we must ensure that they did not die in vain. It is our job as elected officials to learn from those vulnerabilities that terrorists were able to exploit to ensure that similar tragedies never happen again.

Unfortunately, the resolution before us today places politics ahead of honoring our fallen heroes, and it does nothing to ensure that our Nation becomes safer. It is nothing but a divisive and partisan measure that allows Republicans to pat themselves on the back and give them peace of mind. Well, I refuse to be complacent. There is simply too much that remains to be done to secure our homeland. We need to get back on track in implementing the 9/11 Commission's recommendations. Our borders, ports, and virtually every entry into our country remain unsecured, and the 9/11 Public Discourse Project has given the administration a D on their efforts to protect against weapons of mass destruction.

Mr. Speaker, one of the worst case scenarios experts fear is that terrorists

would be able to smuggle nuclear material across our borders or through our ports. This is an unacceptable reality. As the lead Democrat on the Subcommittee for the Prevention of Nuclear and Biological Attack, I have called for the installation of radiation portal monitors at designated ports of entry to screen all inbound cargo for radiological and nuclear materials in and at our border crossings. Mr. Speaker, we need to significantly strengthen our radiation detection technology, and we need to do it now. Five years after the terrorists attacked our country, we still lack the capability to identify exactly what comes through our ports.

I urge my colleagues to refocus our efforts on implementing the recommendations of the 9/11 Commission, as this is truly the way to honor the heroes who lost their lives on that devastating day 5 years ago.

Mr. KING of New York. Mr. Speaker, again I would remind my friends on the Democratic side that the resolution that the overwhelming majority of them voted for 2 years ago, for instance, on the issue of port security, in the whereas clauses specifically cited the innovative programs which have done so much to make our ports more secure and to screen cargo. And, again, we don't have to agree with every aspect of every bill, but if it was good enough 2 years ago for them to cite it, I don't know why it suddenly now becomes such an extreme partisan issue.

Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut, who I must say is an extremely strong and very independent voice and advocate for Homeland Security.

Mr. SHAYS. I thank my chairman of the Homeland Security Committee for yielding to me, I thank him for his sincerity, I thank him for his good work, and I thank him for reaching out to the other side of the aisle on every occasion. I am sorry he is having to deal with the criticism that he is now having to deal with. But this is close, I guess, to an election time.

As chairman of the 9/11 Caucus and chairman of the National Security Emerging Threats and International Relations Subcommittee, I rise to salute and honor the 2,976 individuals who lost their lives on this fateful day, 81 who were residents of the 17 towns I am privileged to represent. I salute the first responders who did what first responders do, run into danger while those they seek to protect run out. I salute as well all who labored after the buildings imploded to first save lives and then ultimately find the body parts of those who perished.

Many of these individuals, particularly those who labored on this site during the first few weeks and months breathing highly toxic air, now find their own lives at risk. May God bless them, may God bless those who perished on September 11, and may God bless this great and enduring county. I thank you very much.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 4 minutes to the gentleman from Los Angeles (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding.

Mr. Speaker, House Resolution 994 was our opportunity in this House for the Members of the House of Representatives to speak, not as Republicans, not as Democrats, not as conservatives or liberals, but as proud Americans, one Nation commemorating the events of 9/11.

That is in fact what the 100 Members of the other body, the Senate, did when they unanimously, 100 Members, passed their resolution commemorating America's faith, its determination, and certainly our response to the vicious attacks perpetrated on 9/11.

We could have demonstrated our faith in our country by acknowledging the heroes, all of them, the men and women who gave their lives on 9/11. We could have acknowledged the families who have suffered tremendous loss. We could have acknowledged our law enforcement and military personnel, our safety servicemembers, those who work every day to protect us. Instead, cloaked within this resolution in this House is language that is controversial, that is not supported by many Members in this House, that indeed is not supported by many people in the public, and it is cloaked within the words to commemorate the events and the people that make us proud about how we responded on September 11, 2001.

Many believe in this country that we are not as safe as we should be. Many of us believe that we have a right to be tough today as we respond to those who wish to harm us. Many of us believe we must act smartly as we respond to those who wish to harm us. But many of us believe we need to have a great deal more hope that we can do things in a better way. And, unfortunately, today we must report to the world, as did the 9/11 Commission that explored the events after 9/11 and our response, that indeed today we have failed our people in responding adequately with the government that we have with us today.

Five years after 9/11, the members of the 10-member bipartisan Commission on 9/11 issued a report card on how the Federal Government has responded to their recommendations. Their report card included five Fs, 12 Ds, and two incompletes. It is irresponsible for this resolution today to say the Nation is safer than it was on September 11, 2001, when there is still so much work ahead of us and so much that is preoccupying our time outside of our own domestic borders.

Our failures are critical. Today, only one in every 16 cargo containers that come into all of our ports throughout our Nation are ever inspected before they enter into our territories. Today in America we talk about our broken immigration system, and yet today we stand some 11 days before we are closing this 2-year legislative session without having addressed comprehensive immigration reform the way the American public has demanded, and today we know that there are some 10 to 20 million people who live in the shadows of America working every day in this country, not able to come out because they don't have documents to be here but still working, and we go on and do nothing to address the fact that there are some 12 million people who live in our shadows. We don't know what they are doing, we don't know how they are doing. And today we have a resolution that doesn't treat all of these different issues that are coming before us.

Mr. Speaker, we could do this much differently. If you talk to America's troops in Iraq and throughout the world, they could give you some answers of what we should be doing. If you talk to the American families who suffered from 9/11, they could tell you what we could be doing. I believe we should be not speaking politics, and I urge my colleagues to let's move forward together bipartisanly to move forward commemorations that really do have the support of all Americans.

Mr. KING of New York. Mr. Speaker, I would just again remind my friends on the other side that we are definitely safer than we were on September 11. It is not just me saying that or the Republican majority saying that. It is the chairman and cochairman of the 9/11 Commission, people such as the junior Senator from New York who was saying that.

As far as our resolution, it certainly goes out of its way, and appropriately so, to extend the deepest sympathies to all those who lost their lives, to their family members and friends. It honors the heroic actions of the first responders.

If we made a mistake in drafting this resolution, it was I guess laboring under the misconception that the people on the other side would adhere to the same standards and principles that we set for ourselves 2 years ago when we adopted the 9/11 resolution at that time, which again goes into far more detail than anything we mentioned at all today.

And I would also mention to the gentleman from California who said that we should speak to the families of those who lost relatives on September 11. I spent Monday morning to night with those families, and I can tell you, after speaking with them, I am more proud than ever to have introduced and sponsored this resolution.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a member of the committee.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the chairman of the committee who has worked very, very hard on these issues and trying to put together bipartisan agreement on many of the issues that come before our committee.

Five years later, the terrible events of September 11 are still fresh in the minds of Americans. On the same day we saw heroism and sorrow of so many, we saw the hatred and evil of a few. These events served as notice to our Nation that we were not as secure as we had thought.

In response, our country has made substantial progress towards securing our borders, infrastructure, and airlines. There is still a ways to go, but we are safer today than we were on September 10.

Despite chaos surrounding the events of September 11, America showed great, great strength. We witnessed an outpouring of goodwill, patriotism, and togetherness all across the country. In the face of such adversity, Americans came together under a unified front. Republicans and Democrats worked side by side to address the critical needs of those people devastated by terrorist attacks.

Listen up, America. Today, 5 years later, partisanship and political bickering have replaced the solidarity the entire world once witnessed.

□ 1515

This is the last thing that our country needs.

This past Monday, many of us were back in our districts attending events relating to the tragic events of 9/11. There are many first responders who previously, I admit, probably lived in the chairman's district and other areas around New York City who have since moved to Florida. Many of them retired after seeing the tragic events of 9/11, after working hard, very, very hard at the site of the World Trade Center. They moved to other States. Many of them also moved because they lost loved ones in 9/11, and they could not be there. They just could not be there every single day to see the hole where the World Trade Center once was.

Those are the people who gave so much, who lost their family members, that we should be consoling today, and certainly, this resolution does exactly that.

Mr. Speaker, in these trying times it is important that we remember that all Americans are in this fight against terrorism together. I ask that my colleagues find it within themselves to put aside their political differences and do what is best for the United States of America, and that is to vote for this resolution.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, like many of my colleagues, I spent Monday commemorating the horrific attacks on our Nation 5 years ago. It was a day to reflect on the courage and the compassion demonstrated on September 11, 2001, by police officers, firefighters, medical personnel and average, ordinary citizens.

It was also a day to remember those who could not be saved and to say a prayer for the families, especially the young children, who were left behind.

But with this resolution, the Republican leadership has chosen to exploit a national day of mourning to again justify the occupation of Iraq, a disastrous policy and a failure that has led to untold death and destruction, a policy which has been rejected by the American people.

Again, the Republican leadership is trying to blur the distinction between Osama bin Laden and Saddam Hussein, even though it has been well-established that one had nothing to do with the other.

The fact is, we never honored the memory of the victims of 9/11 by finishing the job in Afghanistan. Bin Laden remains on the run, even though we had him surrounded in Tora Bora nearly 5 years ago.

Far from some paragon of freedom, much of Afghanistan is still dominated by Taliban rebels and warlords, with the opium trade remaining the country's dominant economic force.

From 9/11 on, the President and the Republican leadership have used that day of terror to run roughshod over the Constitution; wiretapping American citizens without a warrant and setting up secret gulags around the world.

This 5-year anniversary cried out for genuine bipartisan leadership to comfort the Nation while acting intelligently, rather than impulsively, in the face of new security threats.

To this day, however, the Republicans use 9/11 as a talking point to make a dishonest argument.

It is shameful that some are taking one of the gravest moments in our Nation's history to pursue their own political agendas. It is with great sadness that I rise in opposition to this bill.

This Congress owes it to those who gave their lives on the hallowed ground in New York, in Washington and in Pennsylvania to consider a balanced bill, a bill which truly honors their memories.

How dare anyone try to capitalize on the heartbreaking events of September 11.

Shame on this Congress if this bill passes and shame on those who let politics get in the way of a solemn opportunity in order to honor the very innocent victims of September 11.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

I would just urge my friends on the other side to perhaps read the resolution instead of just reading Democratic talking points.

The fact is there was nothing in this resolution at all that talks about the war in Iraq other than to commend the soldiers who are fighting in Iraq and Afghanistan, but the overwhelming majority of Democrats 2 years ago did vote for the resolution which said Iraq was an integral part of the war against terrorism. Again, I wonder why this disconnect between 2004 and 2006.

Also, the gentlewoman from California seems very concerned about the fact that bin Laden has not been captured. Yet, the leader of her party yesterday said that capturing bin Laden would have no impact on the security of the United States.

Also, talking of the families, as far as the impact this would have on the families, this resolution, I have talked to the families in my district, the Boyle family, the Haskell family, the Cain family, the Vigiano family, or the Howard family, or any of them, who I can assure you strongly stand behind this resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, it is truly fitting and proper that we pause to recognize the fifth anniversary of the tragic and cowardly acts of 9/11, and it is important for a number of reasons. It is important for reasons of memory and of gratitude and of resolve.

For we must remember and celebrate the lives of those unmercifully taken from us on 9/11. Their deaths must always bring focus to the challenge and the enemy that our Nation faces. This is a real war. Not recognizing that fact presents grave peril to our Nation. Yes, we must remember.

We must also be forever grateful to those who ran toward danger to help those in need, to be forever grateful to the heroes of Flight 93 whose collective action resulted in the first victory in what is truly the war for the free world, and to be forever grateful to our fellow citizens, men and women in our military, first responders, intelligence communities and communities large and small across this Nation, who courageously labor to keep us safe and free.

Finally, Mr. Speaker, we must resolve to recognize the gravity of the challenge and the enemy that we face, and with unity as a Nation, continually gather the will, the strength and the courage to defeat our enemy at every single turn. This is not a war we desired. However, it is a war in which we must prevail.

May we always remember, may we always give thanks, and may we always be resolved so that generations of Americans yet born may know the opportunity, the responsibility, the freedom and the liberty that we so cherish.

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from California (Mr. LANTOS) and for him to be the manager.

The SPEAKER pro tempore. Without objection, the gentleman from California will be recognized to control the remainder of the time of the gentleman from Mississippi.

There was no objection.

Mr. LANTOS. Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, from the day of America's birth, our story in this country has been one of heroism. Our movies, our literature, our music paint a colorful panorama of the dreams and inspirations of the men and women who built our Nation up with their own blood and sweat, ingenuity and spirit, courage and perseverance. Ours is a rich and proud history.

The efforts and actions following the tragic events of September 11 have magnified our sense of heroism. The men and women who perished that day have left an indelible mark on the American psyche. The men and women who were helpless victims of the attacks and the brave first responders who rushed into those burning buildings to save them have redefined heroism.

This week, as we mark the fifth anniversary of their last day, we ask God's continued blessing on their souls. We also ask that God continue to shed grace on the families that were left behind. Those families who stood watch by makeshift memorials to their children, their spouses, their parents and the loved ones, they are also heroes. They were the rock, the foundation upon which America rose to even greater heights than ever before. And now we should come together to be their strength.

To those spouses and children who patiently awaited word that their firefighter would emerge from the rubble, to those parents who painfully watched those towering buildings crumble down knowing that your child worked on one of those floors, you are strangers to us no longer. You are family to us all.

September 11 was a day of great tragedy in America and to the world, but in true American spirit it has become a day of great inspiration as well. The lives that were lost shall not have been lost in vain. Let them be what motivates us to live better, to dream bigger and to believe in our own destiny.

Let the angels who carried all those who are lost to peace that fateful day, who cried tears of pain for the lost here on Earth, they also cry tears of joy for heaven's gain.

May we work together on this floor and this House so that someday no child will have to ask again is my daddy coming home.

May God bless the victims of September 11, both those still with us today and those who have moved to a better place. May God bless the men and women fighting overseas, both here and abroad, and may God bless the United States of America.

Mr. KING of New York. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on September 11, 2001, terrorists murdered nearly 3,000 of our fellow Americans who were simply going about their everyday, daily lives. Their goal: to attack our freedom and change our way of life.

They believed America to be decadent and weak. They believed that we would not forcefully respond. They believed that America would recoil or retreat, and they could not have been more wrong.

That horrible day broke our hearts, but out of our collective broken heart came everything that is great about this great Nation, America.

Police officers and firefighters ran into burning buildings, risking their lives to save people they did not know. The passengers aboard United Flight 93 who, knowing the intention of the terrorists, built the resolve that they would not allow the terrorists to determine their fate, they fought back to give America our first victory in the war on terror.

This resolution shows that we in this House share that resolve to defeat terror. This resolution honors the victims of 9/11 and the sacrifice of so many who have fought for our freedom since that day.

Mr. Speaker, I urge all our colleagues to support this resolution.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, quite frankly I have been both shocked and disappointed by the reaction we have seen on the House floor today. Not that we cannot have honest differences over the resolution, not that we cannot have honest differences about various whereas clauses. I have certainly voted for many resolutions where I did not agree with everything that was in there. I have also opposed certain resolutions because there was too much in there that I could not support, without questioning the motives and impugning the character of those who drafted the resolution.

Quite frankly, in working on this resolution and working with the Speaker and working with Members on the other side, the model that we tried to use in putting this resolution together was the resolution which was adopted 2 years ago which did have some contentious language in it, but quite frankly listed far more achievements, if you will, or far more actions taken by the Congress than ours did today.

What we did today was try to strike the balance by commemorating the memories of those who died, by honoring those who gave their lives, by expressing our deep sorrow and support and solidarity with the families who lost relatives on September 11 and lost friends on September 11.

□ 1530

And then also, not just rely on words but also to show actions, and lay out how we in Congress have tried to deal with the issues that involve homeland security and fighting terrorism.

We did avoid any reference to the war in Iraq, other than to say we support the men and women who are fighting in Iraq and Afghanistan. No mention at all of Iraq being part of the war against terrorism. No mention at all of the NSA electronic surveillance program. No mention at all of the swift program.

What we did was try to lay out exactly what Congress has done so it would be out there for history to see what we have done, what we have tried to do, where we have succeeded, perhaps where we haven't. I am content to let history be our judge.

But to somehow say this is part of some conspiracy or campaign, to me, it really does cheapen the memory of September 11. As I said before, no one has a monopoly on grief. I certainly lost many, many friends and neighbors and constituents on September 11, as did other Members of this body. And probably everyone here at least knows someone who died that day, or knows someone who knows someone who died that day or suffered from the horrific events of September 11.

I really thought on September 11 and September 12, 2001 that we would try to work together. This resolution is an attempt to do that, an honest attempt from the heart to do it. I am proud of this resolution. I urge the adoption of this resolution so we can send a message not just to those who died on September 11, to the families of those who died on September 11, but indeed a message to the world that we are united against Islamic terrorism. We are united as one to prevent another attack from ever occurring in this country. And there has not been an attack for 5 years.

And, yes, there is much more that must be done, that has to be done. We are safer than we were on September 11, but not as safe as we should be. There is so much more that we can do, but we have made this start. Let us stand behind what we have done together. Those honest differences that we have, let us treat them as honest differences and not try to make shameful partisan attacks.

So with that, Mr. Speaker, I urge adoption of the resolution, and I pray to God that we will find a way to come together and not resort to the type of cheap demagoguery that I think characterized the debate on the floor today.

Mr. Speaker, I yield 28 minutes to the gentleman from Illinois (Mr. HYDE), the chairman of the International Relations Committee, who will do so much to elevate the level of rhetoric on our side than what we have seen in the last half hour from me; 28 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the Intelligence Committee; and the balance of the time to the gentleman from North Carolina (Mr. COBLE); and I ask unanimous consent that each Member be allowed to control that time.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois will be recognized for 28 minutes of the time controlled by the gentleman from New York; the gentleman from Michigan (Mr. HOEKSTRA) will be recognized

for 28 minutes; and the gentleman from North Carolina will be recognized for 35 minutes, to control the remaining time.

The Chair recognizes the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

It has been 5 years since the world watched the impossible happen, and yet it is difficult to believe that the days and months have passed so quickly. The calendar's relentless progress gradually consigns all mortal events to the past, whether tragedies or triumphs. But we would deceive ourselves were we to believe that the consequences of those events will fade as well, for we will continue to live with them all of our lives.

Modern communications have brought us many new and wonderful things, but they have also made possible the communal experience of tragedy. In this new age, distance will no longer spare us, nor can an absence of personal ties insulate us from sorrow. All who witnessed the events of September 11 still bear the scars of seeing inconceivable images and impossible events unfold in real time. But our own experiences, however painful, can't compare with those of the innocents who bore the horror directly, nor with those of their families and friends who were suddenly and violently severed from their former lives and from the touch of those deeply loved.

We Americans are practical. Instead of resigning ourselves to the difficulties of life, we instinctively seek to identify problems in order to focus our efforts and move towards solutions. And over the past 5 years we have done so. We have come to know our enemies and direct our determination and resources to uncovering their hiding places and their plans. We are deeply engaged in designing and implementing measures to destroy their ability to harm us. The challenge is an entirely new one for us, but one which gains in clarity with each day. I hope all of us now are aware that in addition to our successes, we must prepare for the likelihood of failures in a struggle that may have no end.

By infusing purpose, action can thus fill many voids. But the need remains to understand what happened and to comprehend the meaning of the events of that day. Here, words give way to silence, for reflection is the predicate to understanding.

Our modern rational world once promised, in time, to reveal all secrets to us. But can we still cling to that belief now that we have been confronted with things we thought long past, vanquished and erased from the world by reason and light?

The modern world has seen many efforts to eliminate God from our lives, but we have not been able to eliminate evil. The last century was unparalleled in human history in its celebration of the savagery that human beings can wreak upon one another. We had hoped that we might escape that fate in this century, but now we know that we will not. We have been forcibly awakened from our dreams of an earthly heaven by the bitter knowledge that evil still roams freely in our world.

We can't allow ourselves to be paralyzed with despair or fear, but neither can we permit our natural optimism to shield us from the realities of the world. If there is any useful thing to be drawn from this terrible experience, it is that we have been given an unmistakable warning that in this new century unknown and fearsome challenges await us, challenges that will impose the severest tests on our national character.

Knowing this, we have a duty to prepare ourselves to defend not only lives and those of our children, not only our beloved country, not even our freedoms, but civilization itself.

We are Rome, beset by new barbarians who are driven and sustained by their savage hatred of us, of our happiness and our success of the promise America represents for the world. For our enemies have no aim but destruction. Nothing to offer but a forced march back to a bleak and dismal past. Theirs is a world without light, their all-encompassing hatred a repudiation of any saving grace. Their victory would impose a new Dark Age. But this time, perhaps an endless one. They are enemies of the future itself.

As we resolve ourselves to our task, as we grieve for all those linked to us by tragedy, we may also see ourselves more truly and thereby understand that our great strengths are interwoven with many fragile things. The threats we face have given us a greater sense of how rare and wonderful is the world we have made, and of our responsibility to protect it from the storms outside. For we need but shield our eyes, lay down our burden, and it will vanish into air, a world in which those we remember today were once allowed to be innocents.

It is for these reasons that we remember our 3,000 fellow citizens who, asking nothing other than to live their lives in peace, were brutally murdered by men without conscience or mercy. We remember because, in Lincoln's phrase, ''the mystic chords of memory'' forever bind us to the victims and the heroes of September 11 and to all Americans, from the honored past to the living present. We remember because to forget them would be to betray our own selves and our duty to the generations to come.

May those who died in the attacks of September 11, 2001, rest in the mercy of God. May those of us who remain be steadfast, courageous, and live lives worthy of their great sacrifice.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and let me first commend my dear friend from Illinois, the distinguished chairman of our committee, on his powerful and eloquent statement.

Mr. Speaker, on the fifth anniversary of the September 11 attacks, our colleagues in the other Chamber unanimously passed the resolution calling for a day of remembrance throughout this great Nation. Their beautifully crafted and clearly heartfelt statement expressed condolences to the families of those who were lost, respect for those who lived through the ordeal, and the renewed commitment to support whatever steps are needed to defeat terrorists who plot against the people of this country.

And here we are in this House, 2 days later, some may say 2 days late, deliberating over a document that mocks the concept of commemoration. The resolution before us includes claims known to be divisive, not among congressional Democrats but among the American people. And we should all recognize that certain legislation referenced in this resolution was not the product of a proud bipartisan majority, but the object of deep and great controversy that remains with us today.

Mr. Speaker, this should be a time for solemnity, not self-congratulation, and most certainly not political tactics cooked up in the back rooms of the RNC or the bowels of the White House. We must all agree to that.

The focus today should be on the victims and heroes of the 9/11 attack and the families they left behind. We commit to memory the thousands who died or were injured 5 years ago. They included firemen, who voluntarily rushed with their heavy gear up the stairs of the Twin Towers and into the flames, all the while urging the people they served to move faster to safety below.

We remember the police officers who put their lives on the line every single day and lost them all at once when the towers collapsed.

We think of the people at the Pentagon, just across the river from here, military as well as civilian, who were on duty when their fortress was breached and their world, and ours, imploded.

We recall the passengers and the crew trapped on airplanes turned into missiles, helpless and hurting as they used whatever means that were available to them to get word to their families or to affect some sort of rescue. And in this House in particular, Mr. Speaker, we ought never to forget the brave souls on United Flight 93, which was on a path toward Washington and may well have been headed for our Capitol. Among their number were those who overcame panic, said good-bye to their loved ones, and gave their lives to remove a threat to our Nation from the skies.

□ 1545

Our hearts go out to all of these heroes and victims and survivors, along with their families, who have suffered at the hands of thugs who wish nothing but harm to us all.

We also take time to remember those Americans in our Armed Services who

choose to risk everything to ensure our safety, our peace, and our liberty, and to the U.S. diplomats and intelligence officers who face countless dangers to protect our Nation.

The greatest honor we can pay to all those currently serving our Nation in battle, to those who perished on that fateful day 5 years ago, is to recommit ourselves to providing true security to the American people.

Progress has been made to protect our homeland, Mr. Speaker, but much more needs to be done. We must ensure that our first responders are well prepared, that funds for homeland security are distributed on the basis of risk, not on a per capita or on a political basis. Our ports are still not visually examining 95 percent of the cargo that passes through, and the administration has yet to implement the many excellent and considered recommendations of the bipartisan 9/11 Commission.

If we are serious about making our country safer, these and many other issues must be addressed.

Mr. Speaker, 5 years ago we all met on this spot as our Nation came to recognize the magnitude of the struggle we were starting in earnest against the enemies of tolerance and progress and peace and freedom. We engaged in the most sobering and moving debate that I have ever witnessed on the floor of this House in the more than a quarter century that I have had the privilege to serve here as a Member.

With this fifth anniversary of the terrorist mass murder of September 11, it is only right that we remember the victims, we honor the heroes, and we contemplate the lessons. We are still engaged in the battle against terrorism, and we are a long way from victory.

I deeply regret that the resolution before the House goes needlessly beyond the necessary and appropriate sentiments for such an occasion and includes pointless boasts about the actions taken by a narrow majority of our Members, along with rhetoric that has been crafted deliberately to divide us.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I am so pleased to share this same floor with our distinguished chairman of the House International Relations Committee. Today we had what probably would be the last markup of the session and the last markup of his incredible tenure as chairman of our committee and great statesman of our country.

Mr. Speaker, I rise today in strong support of this resolution to reaffirm our country's commitment to freedom, to democracy and to the right to live without fear, free from the threat of Islamic jihadists.

I rise to pay homage to those at the forefront against this insidious enemy. And more importantly, I rise today to honor the victims and the heroes of this deplorable attack against our Nation on that fateful day 5 years ago. Those who died working in the towers, spent their days helping our country grow financially and globally, while those in the Pentagon worked to defend it. The brave men and women on Flight 93 and the first responders sacrificed themselves for others, sending a strong message to the jihadists worldwide that America would not be intimidated.

The resolution before us recognizes the threat that we face today against Islamic terrorism. It is essential that not only Americans but indeed citizens from all countries acknowledge the imminent threat of these radical ideologies that are manipulating Islam for their own selfish destructive ends. These jihadists didn't just declare war on the United States, but on the West as a whole. Lady Thatcher recently said in a statement released during her visit when she was accompanying President Bush and the First Lady at the 9/11 remembrance ceremony, ''That heinous attack on America was an attack on us all.''

Ultimately it will be our strength of character and our moral fiber, our unity of purpose which will help freedom prevail over tyranny and help us triumph over evil. As Thomas Jefferson wrote in 1811: ''It is impossible to subdue a people acting with an undivided will.''

We must never forget the sacrifices of all who died on September 11. They were not just victims, they were the first warriors in the new struggle of our survival.

With today's discussion taking place in the shadow of this sad fifth anniversary of the September 11 attack, it will help us to remember the brutal nature of these extremists. It will provide us greater insight into their nature in order to refine our policies and defeat them.

We must never, never forget. We must remain vigilant. The enemy is just waiting for us to flinch, before its agents descend like vultures to prey on our weakness.

Some are prepared to murder in what they feel are their religious duty. Others are supportive or protective of these jihadists. Still others do not embrace the tactics employed by the jihadists, but share the convictions and the perceptions of these extremists. We must remain vigilant and I hope that all of our colleagues support this strong resolution before us today.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 4 minutes to my good friend, our distinguished colleague from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank my good friend, Mr. LANTOS, Mr. HYDE and Ms. ROS-LEHTINEN.

I want to present a different perspective here because I think it is possible to address 9/11 in a way that is not particularly partisan, and maybe it is time that we do that as a Nation.

As jarring as 9/11 was to all of us, what is even more jarring is that many of us have forgotten who we were on 9/10, what our dreams and aspirations were for America before 9/11.

I ask you to think about this because if we are going to create for America a new direction, it is really imperative that we reconnect with the high aspirations that we had for ourselves, for our community, our Nation and the world. 9/11 caused a truncation of that kind of thinking, and it really detached us from our higher aspirations.

It was many years ago on September 13, 1814, that Francis Scott Key was inspired by the American defense of Fort McHenry to write the Star-Spangled Banner. We should remember that the Star-Spangled Banner is a map to our future, it is not just about the past because Francis Scott Key raised the question: ''O say, does that star-spangled banner yet wave o'er the land of the free and the home of the brave?''

In that he made a connection between freedom and bravery, between freedom and courage.

We have a moment in this country's history that challenged us to our core on September 11; but we should never let it be a point at which we cause ourselves to be so fixed that we forget who we were on September 10.

For that reason, Mr. Chairman, my wife came up with this idea that I want to share with you right now. It is to create what is called a 9/10 Forum, discussions all over the country, Republicans, Democrats, whatever your politics, so we can reconnect with the deeper truths of who we are. In a 9/10 Forum, we would talk about who we are as Americans. It goes way beyond Republicans and Democrats, to create new possibilities and a new future for America.

The 9/10 Forum is born of this idea that there is something more essential in all of us than the partisan politics that has racked this Nation for the last few years. We need to find a way to transform this tragedy, but we can do it in a way that remembers the strength of who we are and who we were. So we are having discussions like this around the country, but it is important that we bring it into this forum. We can find our way. We can become secure again. We need to remember those times in our lives when we felt the most secure, felt courage and felt a deep love of our country.

I think that Lincoln, who looked at a Nation that had been racked by a Civil War, at his second inaugural Lincoln said ''with malice towards none and charity towards all.'' I think that could be a guiding principle for America as we seek to heal our Nation in the face of this great tragedy of 9/11.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, on September 11 I saw things I never thought I would live to see and pray I will never see again. I was here on Capitol Hill standing under a tree at 10 in the morning as I saw columns of smoke billow out of the Pentagon in what was the first attack on this Nation's capital since 1812. People were running in every direction. Jet fighter aircraft were at virtually treetop level. It was the sight and sounds of war.

And then 10 days later I accompanied more than 100 of my colleagues as we walked through the ashes of Ground Zero and saw the horror of what for all the world was the front door of hell in the ashes of the World Trade Center.

I saw the firefighters launching themselves into a scene there and at the Pentagon that was still aflame. I have seen Americans launch themselves into recruiting stations to respond in the last 5 years. And I also saw one unusual and extraordinary sight which has shaped my career since, and that is on that day, September 11, 2001, I saw Republicans and Democrats completely set aside their differences and work in the national interest, to pray together, to sing together, to set aside whatever might be contentious among us and do that which is necessary to heal our Nation and to launch a counter strike against our enemies. For that day truly, there were no Republicans in Washington, there were no Democrats in Washington, there were just Americans. I live to see that, and it gives me hope as we go into the contentious debates of our time.

In my four trips to Afghanistan and Iraq, I have also seen the extraordinary bravery and commitment of the American soldier. I am convinced that we are winning the war on terror because of the courage and valor of the men and women in uniform, both home and abroad. It is to them that I will close my remarks today.

When I went home that afternoon on September 11 and sat down with my three small children and wife to tell them what was happening, that we were likely going to war, Audrey, my 6-year-old daughter, grabbed me by the leg and said, ''Daddy, if we have to make a war, do you have to go?''

I buckled down on my knee and I gave her a hug and I told her, ''No, daddy's too old.'' But not a day has gone by in the last 5 years, Mr. Speaker, that I haven't thought about all of the daddies and moms and sons and daughters who answered that with a ''yes,'' and some of them with a ''yes'' that rings into eternity.

And so we remember those that fell on 9/11, the victims. We remember the brave soldiers who have fought the war since, and we commend them this day as we remember 9/11.

□ 1600

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 6 minutes to the distinguished Democratic whip, my good friend from the State of Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, our commemoration of September 11 is a solemn occasion. It is a day of remembrance and a day of resolve. We remember those, Mr. Speaker, who perished or were injured 5 years ago in New York, Virginia at the Pentagon, and Pennsylvania due to the evil acts of men consumed by a murderous ideology filled with hate.

We mourn the loss of the innocent, and we pray for their loved ones. We also recall with pride, yes, with sorrow as well, though, the heroism of our first responder, and in many cases civilians turned rescuers, who put their own lives in harm's way as they sought to help others. Their selflessness on a day of fire, destruction and death reminds us of the courageous American spirit, and it renews our faith in humankind.

The commemoration of 9/11 also is a time for this Congress to express our collective national resolve. We resolved to protect the American people and our beloved homeland and to combat and defeat the perpetrators of terrorism and tyranny, and to fight for freedom, for democracy, for respect for human rights, and for the rule of law.

Now, the resolution before us today in many respects is not objectionable. Indeed, I will vote for this resolution. I do not quarrel, for example, with the propriety or the sentiments expressed in any of the resolved clauses in this measure. This resolution commemorating the worst terrorist attack on American soil in our history, a wound that has not yet healed, ought to be a unifying document that virtually every single Member of this House can support without reservation.

I regret, therefore, that in my discussions with the majority leader, and in Ms. PELOSI's discussion with the Speaker, that the Republicans did not see fit to make this a fully bipartisan resolution.

While I will support it, I lament the continuing partisanship which seeks to divide this House in sentiments that ought to see a unified House. I lament the fact that in the face of a Nation at war that we are not working to bring us together. But that effort was not made; and it is a failure of leadership, in my opinion.

Despite the fact that the Senate passed a 9/11 resolution this year by unanimous consent, and despite the fact that this body passed a 9/11 resolution last year by a vote of 402–6, the Republican leadership still attempts to gain political advantage through this measure. I think that is unfortunate.

I am going to support this measure, but there are conclusions in the ''whereas'' clauses with which I do not agree and which were not necessary for expressing our remembrance and our resolve. The majority presents a resolution that includes extraneous and inappropriate, divisive, self-serving and, in my opinion, politically motivated language. How sad that you would do that in a resolution that seeks to express the unanimous opinion of the representatives of the American people.

I ask my Republican friends what is the point of including a reference in this resolution to controversial legislation that has not even become law.

Specifically, I refer to the mention in the House Republicans' immigration reform bill. That bill was controversial in this House. That bill has not passed the Senate. That bill has been rejected, essentially, by the Senate. They have come together with a compromise with which the House has not agreed. Yet we reference in this resolution that which seeks to express our united opinion. How sad.

The reference to this bill, which is opposed by even many Republicans, has no place in a resolution commemorating this solemn occasion, not withstanding the importance of that particular issue.

It is deeply regrettable, Mr. Speaker, that on this, the fifth anniversary of the worst terrorist attack in our history, that the Republican leadership has made political expedience a priority. I lament that, but I will vote for this because I do not want any confusion among those whom we confront.

I want no confusion on those we confront. I want no confusion by terrorists who wish us ill. I want no confusion that we are not united, not just as a Congress but as a American people, and a resolve to defeat and deter terrorists and protect our people and our great country.

Like the Senate, we should be voting on a resolution designed to inspire and demonstrate unity, not division.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I rise in support of H. Res. 994. This week we solemnly remember those Americans who lost their lives 5 years ago when our Nation came under attack by enemies of freedom. Their families and loved ones will always remain in our prayers.

The terrorists underestimated our country on that fateful day, Mr. Speaker. They thought our spirit could be broken and our Nation divided. While our hearts continue to break for those we lost, our American spirit is strong. While we may disagree on some issues, we stand united in the desire to protect our Nation.

Mr. Speaker, on September 11, 2001, America witnessed horrifying, cowardly acts of evil and responded with heroism and courage. The passengers aboard United 93 were the first to fight back in this war on terror.

Over the past 5 years, we have taken the fight to the terrorists. We are fighting them in the streets of Afghanistan and in Iraq so we will never have to witness the evil in our city streets again.

As we remember the innocent victims of September 11, we also remember all of those brave souls who have

lost their lives in defense of this country. America will never retreat in the face of adversity, Mr. Speaker. We will answer the call of history, and we will prevail in this war on terror.

I ask my colleagues to unanimously support H. Res. 994.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 1½ minutes to my good friend and neighbor, the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank Mr. LANTOS for yielding and for your leadership and for your commitment to global peace and security.

Today we should be reflecting on the fifth anniversary of the terrible terrorist attacks of September 11, 2001. It should be a time when we come together as a Nation to grieve and to remember the men, women and children who lost their lives that day. It should also be a time to honor the courage and the heroism of our first responders and those who put themselves in harm's way to help and to save others.

Instead, we have before us a resolution that simply politicizes the somber occasion. What is glaring today is that the Bush administration's complete failure in apprehending Osama bin Laden, once again, is before us. Even worse, the Bush administration pulled our troops out of Afghanistan to put them into Iraq, which had nothing to do with the tragic attacks of 9/11. Even the President acknowledged this.

Unfortunately, our country is less safe today than it was 5 years ago. Iraq has become a haven for terrorists. It was not before 9/11. This Congress and this administration gets Ds and Fs in implementing the 9/11 Commission's recommendations.

Yet the Republican majority hasn't received the message. It chooses willfully to ignore it. By politicizing this resolution, the Republican majority seeks to detract from their utter complicity in this failed war and their utter failure to demand accountability for this war. The memories of those who lost their lives in New York and the Pentagon and Shanksville, Pennsylvania, deserve better.

We should be united as a country in commemorating those who paid the supreme price on that day 5 years ago. Yet today, once again, because of this resolution and the divisiveness of it, we are divided.

Mr. HYDE. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I rise in strong support of this resolution marking the fifth anniversary of the al Qaeda terrorist attacks on the United States, and, inevitably, Americans are asking are we safer today. Yes, we are.

But the unfortunate reality is that this threat to our country continues. Last week, my terrorism subcommittee held a hearing on this threat. We heard the point made that to fight terrorism effectively, we must identify the enemy. As reported by the 9/11 Commission, the catastrophic threat of this moment in history, they say, is Islamist terrorism, especially al Qaeda and its organization. This threat, mounted for years, going largely ignored.

Many witnesses observed that al Qaeda, now under attack by the United States and others, has had to reconfigure. But just as the terrorists have evolved, we must evolve too. The desperate need today is to find out who the terrorists are.

To do this, we need powerful tools, and they have included the USA PATRIOT Act and other programs we passed.

With WMD proliferating, such efforts are all the more important. One area where we did receive a good grade from the 9/11 Commission was on our legislation for a REAL ID Act, to make certain that the next Mohammed Atta and his team of 15 couldn't obtain 60 phony driver's licenses. We established those Federal standards for State driver's licenses to make sure that again they couldn't use something like that to plan and attack and then board jetliners to attack the United States.

We made certain also that we passed the PATRIOT Act. Frankly, I believe that most Americans are glad that we have the PATRIOT Act to break down barriers between intelligence and law enforcement officials that hampered their efforts before 9/11.

Before the PATRIOT Act, these same tools were already being used to go after drug traffickers. Now, with the PATRIOT Act, we have applied those approaches to terrorists, and Americans are safer for it.

I believe we need border security, like the House-passed legislation. Frankly, if that legislation were taken up in the Senate, we would get better grades from the 9/11 Commission. Why? Because the 9/11 Commission understood that border security has become national security.

This resolution remembers those who lost their lives on 9/11. That was 3,000 people. Countless more were scarred on that day. But September 11 is also a call to action for our country and a day to recognize those who are in the field taking on Islamist terrorism, including law enforcement officers, Border Patrol officers, and our Armed Forces.

We saw many acts of heroism on September 11. We had acts of heroism on September 11, 2006, also, many in faraway lands, and we will see more acts of terrorism in the days and years ahead.

Mr. Speaker, as summed up recently by a top British official, the threat from Islamist terrorists is real. It is here. It is deadly. And, as he said, it is enduring.

□ 1615

That it is. But it is not as enduring as the spirit of our Nation so evident on 9/11. We will prevail.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend, our distinguished colleague from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to honor those who lost their lives on September 11, 2001, and those who risked their lives in the fight on terrorism. I also rise today to discuss the slow pace, or rather the lack of pace, in the reforms called for by the 9/11 Commission.

The 9/11 Commission was chartered by Congress to examine and report on the facts and causes relating to the terrorist attacks of September 11, 2001. What of those recommendations have we enacted? Every time the polls go down for the Bush administration a new threat is discovered.

Since September 11, in fact, I have been lobbying the Bush administration for additional security funding for our Nation's ports and other areas of our Nation's infrastructure, such as freight and passenger rail, our subway system, busses, tunnels and bridges. There are other areas of vulnerability that are outside of aviation security.

The Bush administration has been telling the American people that they are checking only 3 to 4 percent of all cargo that comes into our ports, but in reality all they are checking is the manifest that lists the inventories of the ship.

Now, I think the American people are smart enough to know that if reading a piece of paper provided by the shipper is what passes for port security, then we are all in trouble.

We spent $4.4 billion alone on aviation security, while only $36 million is being spent on all surface transportation security programs. And with respect to our Nation's ports, which serve as the main economic engine for many of the areas in which they are found, an attack would not only be extremely dangerous to the local citizens, but economically disastrous as well.

The Bush administration and the Republicans talk a great talk about security, but they do not, and I repeat, do not walk the walk.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank the chairman.

As Manhattan's skyline fell down, Americans stood up. We took to our feet and raised the flag, pledging solidarity to our Nation and our fellow countrymen and our values. But foremost, we pledged solidarity with our fellow Americans.

On that day we confirmed what we had long known: Being an American is more than simply a title; it is a duty. And the images of first responders risking their lives, their safety, rushing headlong into crumbling towers, affirm that courage, that honor, that privilege that we have to call ourselves Americans.

The events of that day didn't begin, but certainly brought to the forefront the war we have with Islamic extremists, an enemy that despises the very idea of America. History shows that every American generation is tasked

with defending the ideals of America. And, make no mistake about it, this challenge, this fight, is our generational challenge.

These events, now woven into the fabric of America, the fabric of human history, will not be remembered for the destruction that occurred 5 years ago. It will not be remembered for the destruction that transpired on that sad day. It will be remembered for the compassion that followed and the unity which we have as Americans. And the world will know for generations to come that as Manhattan's skyline fell down, Americans stood up.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that the gentlewoman from California (Ms. HARMAN) be permitted to control the balance of the time of the minority leader.

The SPEAKER pro tempore. Without objection, the gentlewoman from California (Ms. HARMAN) will control the balance of the time, which is 1 hour and 14 minutes.

There was no objection.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I thank Chairman HYDE for the time. I hope my colleagues will all join in support of H. Res. 994.

Mr. Speaker, 5 years ago I stood on the House floor and proclaimed that I was not without hope for America's ability to eliminate the scourge of terrorism. I was convinced that the people of this great Nation would, much like they did on December 8, 1941, come together to defeat a common enemy rooted in intolerance and fear.

To be sure, much is left to be accomplished. We cannot, we must not, ever forget the prayers we said that day, the tears we shed, and the memories of those who now belong to the ages.

Yes, Osama bin Laden has yet to personally receive justice, but over the course of the last 5 years, the international communications, financing, state sponsorship and success that al Qaeda enjoyed on September 11 has been significantly degraded. The world now knows that America will not bow to the forces of evil, but will instead fight until evil has been eradicated.

Congress has, as this resolution indicates, provided many of the necessary tools, but the people themselves also deserve most of the credit for this Nation's progress. While the threat of terrorism continues to loom in the distance, I believe we are safer as a nation because the people of this country are paying attention. They are the soldiers, they are the intelligence gatherers and they are the first line of defense. They are the personnel who were given a responsibility on September 11, 2001, to finally take the fight to terrorism, and they are succeeding.

Five years later I have seen an America that has exceeded our expectations. Rather than cowering to those who blackened the beautiful New York skyline on that day, the American people are emboldened in their resolve to live free and prosperous lives. They have renewed their faith and our faith in the hope of democracy. Freedom, as I stated then, continues to work.

Mr. HYDE. Mr. Speaker, I am very pleased to yield the balance of my time to the gentleman from Pennsylvania (Mr. WELDON).

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my distinguished leader for yielding the time. I rise in support of this legislation.

Mr. Speaker, I was at the site of 9/11, but the first time I was there in 1993, and I went because that was the first time bin Laden hit us. Representing all the first responders in America, I go to where they are, not with the cameras and the TV lights blaring, but as one of them.

I went in 1993 when Howard Safer, the Fire Commissioner for New York, asked me to go down to Ground Zero to see the damage caused by the first hit of the terrorists against us. And the young firefighter who took me through that complex was a man by the name of Ray Downey. Ray Downey became one of my best friends. He didn't live in my district, he lived in New York.

But Ray Downey was an active firefighter, a former marine, who told me the lessons that we should learn because he said, ''Curt, you have to understand, bin Laden is going to hit us again and again and again,'' and, boy, was he right. They hit us at the Khobar Towers, they hit us at the African embassies. They bombed the USS *Cole*. And what was our response? Nothing. We shook our head in disbelief.

So it was with a great deal of sadness on September 11 that I was called while walking out of the Capitol building and I was told that Ray Downey had been killed. You see, Mr. Speaker, on September 11, Ray Downey was the Chief of all rescue for the New York City Fire Department. He was the guy at the base of the tower that was overseeing the largest and most successful rescue in the history of mankind. 70,000 people were brought out alive. Ray Downey was killed.

I went to New York the next day. I did not wait again for the cameras and the suits. I went up as a member of the first responder community and at Ground Zero I spent the whole day.

As they took me around the back of these two seven-story piles of rubble, after being briefed by Joe Allbaugh, the head of FEMA, I saw two firefighters on their knees sifting through the debris with their hands. As I got closer I could read their turnout gear, and there were the names Downey and Downey.

You see, Mr. Speaker, two of Ray Downey's five kids are also firefighters, today they are battalion chiefs in New York, and there they were looking for their father. In fact, I brought Ray's family and his widow down to my district one month after 9/11 and we honored them as American heroes.

I tell you all of this, Mr. Speaker, because the passion that I have for the first responders is the reason I come to the floor today to honor the memory of those who paid the ultimate price.

The last thing we should be doing is playing politics with this. After all, it was in 1995, I think there was a different President back then, when the Public Safety Wireless Advisory Committee said that we didn't have an interoperable communications system, and we did nothing about it. In fact, it wasn't until Jane Harman and I introduced legislation that passed last December that in fact corrected that problem and put $1 billion on the table.

It was in 1999 that I sat in my office on November 4 with the Deputy Head of the CIA and the Deputy Director of the FBI and the Deputy Secretary of Defense to convince them to have an interoperable capability linking all 33 classified systems together. And you know what the CIA said, Mr. Speaker? They said, ''Congressman, we don't need that. Even though there are emerging transnational terrorist threats, we don't need that capability.'' It was the single biggest failure on 9/11 not to have that interoperable capability to link together 33 classified systems.

Mr. Speaker, all of us could have done a better job. When my colleagues on the other side were in charge, they didn't fund a dime for the first responders, not one dime of money. We did that in 2000, one year before 9/11, when working with Republicans and Democrats we put into place both the Assistance to Firefighter Grant Program and the SAFER Program.

I couldn't believe the rhetoric last night I heard on the House floor, because it was Democrats and Republicans together who did that. But it was Republican leadership who made it happen.

I am proud of our record. I am proud of the fact that today we have linked up the 33 classified systems. First of all it was the TTIC, the Terrorism Threat Integration Center. Today it is the NCTC, the National Counterterrorism Center.

I am proud of the fact that we have put together almost $4 billion to 24,000 of our 32,000 fire and EMS departments around the country. I am proud of the fact that Democrats and Republicans finally have solved the problem of putting money with interoperable communications together.

I am also a little frustrated. We hear our colleagues on the other side. The Gilmore Commission, which Ray Downey encouraged me to put into law, which I did, made three reports before 9/11, most of them in the previous administration. Forty percent of the 9/11 recommendations had already been made by the Gilmore Commission before 9/11 ever happened. But we don't

hear that today on the House floor, that there were recommendations that we could have put into place before 9/11 and we didn't do it.

So stop the blame. This is not fair to Ray Downey and his family. It is not fair to my constituent Michael Horrocks, who left behind two kids and a wife. What was his mistake on 9/11? He climbed in the front seat of one of United's planes and he had his throat slit as the plane traveled into the Trade Center towers.

This resolution needs our support in a bipartisan way. That is the only way we can protect America.

Ms. HARMAN. Mr. Speaker, I reserve my time.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. HOEKSTRA) will control the next block of time for the majority leader.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I look forward to roughly the next hour of time that we will spend here on the floor, myself and our ranking member and the members of the Intelligence Committee, to remember those who died, those who served on 9/11, the tremendous work of hundreds of thousands of people in our military forces and the folks who are working in the intelligence community that have helped keep this country safe over the last 5 years.

I know that there are disagreements about some of the strategy, some of the particulars, some of the execution and those types of things, but much as in my home district on Monday, I hope that that spirit can continue through the next hour.

□ 1630

Monday was kind of one of those days where we recognized that in many ways it was kind of a sacred day. People took the day off from partisan politics, and we reflected back on what happened 5 years earlier when we were so brutally attacked, where almost 3,000 Americans lost their lives. Many of us recounted the places where we were, the things that we were doing, and how in comparison those things were so minor to what happened and how that transformed America.

And perhaps for so ever a brief moment, or briefer than what we would have hoped or envisioned, it brought America together and focused us on who we are and focused us on the threat that we had faced, that we now face, a threat that we had all witnessed and experienced maybe as early as 1979 when the embassy in Iran was seized. Perhaps it was when Hezbollah attacked our Marine barracks in 1983. But regardless of the times leading up to 2001, we recognized that that was history, 9/11 is today, and that we were going to be facing some serious challenges in the future. And this is very, very hard.

It is a different kind of enemy than we had ever faced before. It is an enemy that does not wear uniforms. It is an enemy that does not have a government as we know it. It is an enemy that does not represent a specific geographic territory. It does not have a capital. It does not have bureaucracies. It has not signed on to any international agreements, as ironic as it may sound, international agreements as to how we will fight and conduct wars. It is an organization that celebrates the deaths of its suicide bombers. It is in sharp contrast to who we are and what we have done.

We responded. The ranking member and I, along with Senator LIEBERMAN and Senator COLLINS, worked on a project that many said could not be done, on a project that for almost 50 years had never been done, which was the reform of an intelligence community, an intelligence community that needed to respond to the threats that radical Islam posed. We have made much progress in that area. But as we both had said in a report that was issued in a bipartisan way from our committee, there is still much work to be done.

The bottom line is we continue to be a Nation at war. We continue to be a Nation at risk. We continue to, I believe, be a Nation that is united in a desire to win this war, recognizing that there are real differences about how we will fight this war to be successful and to be consistent with American ideals. Because the biggest tribute that we can leave to the victims of 9/11 is to make sure that we win this war but also to make sure that we do not change how we are as we go about winning that war.

Mr. Speaker, I reserve the balance of my time.

Ms. HARMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, nothing we say today can erase the pain that America felt on September 11, 2001. No resolution we pass, no speech we make can bring back the loved ones we lost or repay the heroes who rushed to their rescue.

As I stood at Ground Zero again on Monday amidst the anguished faces, the shopworn photos of loved ones lost, the sad music, the reading of names, flags everywhere, the memories of 5 years ago came rushing back. The frantic calls to my children in New York and Washington. The disbelief that we could be so vulnerable. And as the day wore on, the immense sadness for 3,000 innocent victims and the resolve to demonstrate that this Congress would not bow to terror.

This resolution, however, contains more than memories. It makes a statement about how much progress we have made in this House.

The sad, unalterable fact is that 5 years after 9/11 we have not made as much progress as this resolution claims. We have not brought to justice the most senior leaders responsible for the attacks. We have not plugged some gaping holes in our homeland defense, and we have not shared the sacrifice or stayed united as a Nation in the face of grave danger.

As ranking member on the Intelligence Committee, I want to focus my remarks on how this House has responded to the major intelligence failures of our time, the tragic failure to connect the dots of the 9/11 plot; the inexcusable failure to recognize that Saddam Hussein did not have WMD; and the catastrophic failure to predict the violence insurgency that would follow our military action in Iraq, and take the prudent steps necessary to prevent it.

The news, Mr. Speaker, is uneven. I believe our committee did a good job of assessing the performance of the FBI, CIA, and NSA leading up to 9/11; and so did the Congressional Joint Inquiry into 9/11, which held 24 days of hearings, including 9 days of open hearings, provided an excellent, bipartisan report with legislative recommendations, and was the basis for the 9/11 Commission's final report.

Over major opposition from some in this body, Congress acted on some of those recommendations and, as our chairman just said, created a Director of National Intelligence and a National Counterterrorism Center, thanks to the courageous lobbying of the 9/11 family members. Our current chairman and I helped lead that effort, and I am very proud of what we did.

As for WMD failures, our committee was the first to document that clandestine sources in Iraq were thin and that the analysis was poor. But then our former chairman shut down the House's inquiry into Iraq WMD. And again in this Congress, our current chairman ceded jurisdiction on this critically important issue to our counterparts in the other body.

Just last Friday that committee released a compelling report showing that our sources were unreliable and that facts claimed by this administration are not supported by the intelligence. According to that report and other available sources, there were no links between al Qaeda and Iraq before 9/11. Yet as recently as last Sunday, the Vice President said ''we don't know'' whether Mohammed Atta ever met with an Iraqi intelligence officer in Prague. Mr. Speaker, we do know. We know the meeting never took place, and yet the Vice President refuses to acknowledge the facts.

It is one thing to have inadequate intelligence. In an intelligence war, you are never going to have pristine intelligence. But it is another thing to ignore professional intelligence assessments, make end-runs around intelligence agencies, issue hyped statements about intelligence, and use intelligence for partisan gain.

The third failure, the failure to predict and prevent the insurgency, has been in some ways the most painful. More than 2,500 U.S. personnel have been killed since President Bush declared ''Mission Accomplished'' in May 2003, nearly as many as died on 9/11.

Our committee has conducted virtually no oversight over this particular

failure. We have not examined whether the intelligence on the insurgency was flawed or whether policymakers deliberately ignored warnings and professional assessments.

Press reports indicate that the administration may still be trying to paint a rosy picture of the situation in Iraq. The August casualty reporting excluded statistics on people killed by bombs, mortars, rockets, and other mass attacks. The result is that the August statistics for murder rates in Baghdad appear 52 percent lower than the daily rate for July. Mr. Speaker, I do not think policymakers should engage in creative accounting when it comes to the lives of our sons and daughters or the lives of innocent Iraqis.

According to some reports, a draft ''National Intelligence Estimate on Iraq,'' which reportedly paints a very negative picture of the situation there now, is being held by the administration until after the November election. If that reporting is true, it is deeply troubling and could needlessly endanger the lives of our military and intelligence professionals in the field. And, Mr. Speaker, it would also keep Congress in the dark one more time.

Mr. Speaker, I often say that the point of looking back is to look forward to avoid making the same mistakes again. North Korea is test-firing missiles. Iran is defying the world community on its nuclear program. Yet we do not have solid intelligence on either target. Mr. Speaker, good intelligence leads to good policy.

But instead of insisting on better intelligence, our committee may rush through dangerous legislation on warrantless surveillance without any testimony from administration witnesses. We are issuing staff-written ''brochures'' hyping the threats posed by al Qaeda, Iran, and North Korea that do little to explain how little we truly know. It is no wonder that the 9/11 Commission gave Congress a D for intelligence oversight reform.

Mr. Speaker, I will conclude where I began. 9/11 forged our Nation into common purpose. It brought out a common humanity and engendered a common resolve to protect America. Our response to 9/11 has been and will continue to be a measure of us. Mr. Speaker, what we should really resolve to do today is to do better together.

At Ground Zero on Monday, the survivors shared something so precious: the hope that their grief and suffering would inspire a Nation to prevent another attack. They were all ages, all colors, all religions, and all backgrounds. The one thing they were not was partisan.

Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I would like to yield 2 minutes to our colleague, Mrs. DAVIS.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise in strong support of House Resolution 994.

The terrorist attacks upon our country changed the way that we live forever and provided us with a cruel reminder that freedom and liberty have a price. The attacks reminded us there are extremists in this world that would do anything, including sacrificing their own lives to destroy ours and our way of life. The attacks reminded us that democracy and the benefits of a free government cannot be taken for granted and must continually be fought for.

Mr. Speaker, we are safer than we were 5 years ago. But until we can say with confidence that we are safe, the constant fight for freedom can never end. Until families can go to bed at night feeling secure, we cannot stop the fight for freedom. Until our young people can know without a doubt that America holds a safe, prosperous future for them, our battle can never cease.

We in Congress are tasked by the Constitution to defend the homeland, and we take this task very seriously. Our men and women in uniform are getting the job done, and our first responders have answered the call. Our intelligence forces have played a vast role in protecting America. And together we are safer today.

However, we must remain vigilant and prepare to fight these radical Islamic terrorists whenever and wherever they may strike. Retreat has never made us stronger and, by Osama bin Laden's own words, is a sign of America's weakness.

□ 1645

There is no room for halfway approaches here. We must do what is needed to protect our country. We are using and must continue to use both diplomatic and military measures and tools available to protect America.

As we look back 5 years ago this week, we must remember the horrors of that time. But more importantly, we must remember the resolve adopted by all of us to defend freedom and fight with all our might to combat the forces that look to destroy us. It is through vigilance and the passion for freedom that we will win this war and truly make America safe.

Ms. HARMAN. Mr. Speaker, it is now my pleasure to yield to a dear friend, the ranking member on the Armed Services Committee, Mr. SKELTON, 4 minutes.

Mr. SKELTON. Mr. Speaker, I thank the gentlewoman, my good friend from California.

Mr. Speaker, I rise to recognize September 11 as a national day of mourning, to commemorate and honor America's 5-year-long national sacrifice, and to warn of clear and present danger in the days ahead.

Our Nation will never forget the terrorist attacks on September 11, 2001. Nearly 3,000 innocent Americans perished in that day, and the lives of many thousands more were forever changed. The tools and the national power were mobilized to bring justice to those responsible.

To each and all experiencing personal loss, we honor and we pay respect. To each and all responding to the call of duty, we extend a note of appreciation. Their sacrifice in our Nation's initial response led to a successful military strike against terror strongholds in Afghanistan. As we all agreed, it was an impressive operational display of technological might. It was swift and it was right, and it enjoyed widespread support among the world's family and nations. In short, it was a step toward a more safe and secure environment for Americans.

Mr. Speaker, in the past 5 years, much of the initial gain has been squandered. We have failed to implement the recommendations of the 9/11 Commission. We found ourselves bogged down in a costly war in Iraq that detracts from our pursuit of those responsible for attacking American soil. We are also facing a resurgence in Afghanistan.

Our Nation is engaged in two wars, the first against terrorism; and the second, a war of choice to effect a regime change in Iraq, has dragged us into a sectarian clash on the verge of civil war. The war on terrorism rightfully continues, and by all account remains a war of necessity. In contrast, the war in Iraq was initiated with faulty intelligence, without proper planning and aftermath, that is, after the initial strike planning has created for our Nation a strategic risk.

More than 40 percent of Army and Marine Corps ground equipment is committed to the combat theater. That equipment is wearing out, according to experts, nine times faster than the normal rate. Not one Army combat brigade in the continental United States is fully ready for its wartime mission.

Simply put, the war in Iraq has sapped our strategic base and threatens to break our Army. Regrettably, our Nation is not safer than it was on September 10, 5 years ago. Because this war of choice has tapped our resources, our Nation's ability to confront future security challenges, it is less than it was only 5 years ago. That is a sad commentary, but sadly true.

As we commemorate the heroes of September 11 and beyond, let us not forget the solemn oath to protect and defend this Nation and to protect and defend our Constitution. Let us not forget our responsibility to take every step necessary to make America stronger, not weaker, than before. And let us never forget our duty to prevent the occurrence of another similar tragedy. We must have the best, we must have the most capable military to meet any threat that faces this wonderful Nation. If we fail in this endeavor, then we will surely have failed to honor the memory of those who have fallen.

Mr. HOEKSTRA. Mr. Speaker, I yield 5 minutes to the majority whip, Mr. BLUNT.

Mr. BLUNT. I thank the gentleman for yielding.

Mr. Speaker, today we live in a country of great opportunity, we live in a country of great freedom, but we live in a dangerous world. We came face to face with that danger 5 years ago, we came face to face with the evil in the world 5 years ago, and today we commemorate what we have done in the last minutes and hours and what we have done in the last years to try to prevent that evil from replicating itself again.

For years before 9/11, we pretended that evil somehow didn't exist; or if it did exist, it couldn't touch us. A series of events that government after government after government in our country chose to minimize or ignore led to 9/11. The bombing of the barracks at Beirut, the bombing of the barracks at Khobar Towers, the attack on the USS *Cole*, the attack on two of our embassies, the first attack on the World Trade Center were all part of a concentrated effort of a narrow sliver of totalitarian activists that don't like the way we live and don't like who we are, who have vowed to destroy our very way of life.

Now, it is nice, whether it is at work or whether it is at home or in your neighborhood, to pretend you don't have enemies in the world. But we do have enemies in the world. As the Prime Minister of Iraq said when he spoke to this body just weeks ago: this is not Islam, it is a perverted view, I think he said specifically as was translated, a false view or a fake view of Islam. But there are people who believe it. There are people who believe that we, because of who we are, are their sworn enemies.

And this resolution today just commemorates the great work of those individuals that we recognize, those individuals that we recognize who defend our country, who defend our freedom, who defend our flag; those individuals we recognize who take chances every day to find out the information that we need to find out on a human level, from those people every day who analyze the things that need to be analyzed and those resources we have given them to be able to make those choices, whether it was the PATRIOT Act or the other things that we have done since 9/11 that bring terrorism to the level of other crimes, even though the danger of terrorism may be much more dangerous than those crimes that various investigative arms of our government and the tools that they had available to them were given after 9/11.

We need to continue to move forward and we need to continue to be committed somewhat, and many people have said that someone had to be the first person that said we have to be right every single time, the terrorists only have to be right once.

Nobody will stand here today in good conscience and say a terrorist attack can't happen again. But we can say in good conscience that we will do everything we possibly can to prevent that attack from happening again. We will do everything we can possibly do, from naively looking at the present and assuming that we won't have enemies in the future. We need to address our enemies; we need to address the world the way we find it. Thank goodness for the many American men and women and our allies overseas who joined us in trying to prevent the cowardly terrorist attacks that happened in this country 5 years ago and other countries since then.

Ms. HARMAN. Mr. Speaker, I yield to a great member of our committee, the gentleman from Massachusetts (Mr. TIERNEY) for 3 minutes.

Mr. TIERNEY. Mr. Speaker, I thank my colleague from California.

Mr. Speaker, many Members recently voted against the previous question on the rule. We did so because we wanted a substitute, a resolution that mirrored Senate Resolution 565, which was a measure which was bipartisan and which was designed to unite this Congress and the country. That is the way in fact that we wish to remember and honor those 9/11 victims.

Unfortunately, the Speaker and the majority of the House have chosen division and partisanship. The gentleman from Michigan mentioned a moment ago that on Monday, September 11, the Nation took off a day from partisanship. We only wish that the Speaker had joined in that. But by proposing a resolution referring to issues that are partisan and divisive, once again, a chance for unity has been missed not in the Senate but here in the House.

New York Times columnist Frank Rich this past Sunday recalled FDR's use of the phrase ''the warm courage of national unity in a time of challenge.'' That is exactly what we need in these times of challenge.

FDR mentioned his realization of our interdependence on each other, that we cannot merely, take but that we must give as well; and that if we are going to move forward, we must move as a trained and loyal army willing to sacrifice for the good of a common discipline.

Since September 11, this Nation has not been called to that higher unity and shared sacrifice. Instead, we have seen divisive legislation and tax cuts favoring the few. We should instead honor the fallen victims of 9/11 and their families' sacrifices and the responders and our military and our intelligence communities for their bipartisan efforts. We should resolve to implement the recommendations of the 9/11 Commission.

Now, Chairmen Kean and Hamilton wrote on September 11, 2006, that their commission's December report card on limitation garnered 10 C's, 12 D's, and 4 F's. And they listed there still remain to be done at least 10 things, the acceptance of which and the completion of which would in fact honor the September 11 people.

We should allocate our homeland security dollars wisely, because now they are being spread around like revenue sharing. States have to be held to create and practice emergency response plans. Congress shouldn't wait until 2009, three years from now, to give first responders a slice of the broadest spectrum for emergency communication.

We still need to do a better job with information sharing among government agencies, particularly those at the State and local levels. The FBI reform needs to speed up even as it moves in the right direction. The privacy and civil liberties oversight board must be empowered as a strong voice on behalf of individual and civil liberties, especially as the executive gets stronger authorities. We need to better screen passengers against a comprehensive terrorist watch list before they board craft. We need to do a better job of reaching out to the Muslim world so that America can be seen as a source of hope and opportunity and not despair.

Congress needs to reform itself. The oversight committees need stronger powers over budgets and jurisdictions. And the prevention of terrorists' access to nuclear weapons must be elevated above all other problems of national security. To do all this, we need the warm courage of unity, not partisanship, not divisive resolutions.

Mr. Speaker, this would be an excellent time for the leadership of this House to match rhetoric with unifying actions.

Mr. HOEKSTRA. I would like to yield 2 minutes to my colleague, a member of the committee, Mr. MCHUGH.

Mr. MCHUGH. Mr. Speaker, as a New Yorker, this past Monday had a particular impact on me and on my fellow New Yorkers. It is obviously a time of great sorrow and sadness and reflection for each and every American. But of the 2,997 who perished that day, a large number and obviously the main focus of the attack was in our State.

There is little we can do to rewind that as a day and as the circumstances that led up to it. I noted my good friend, the gentlewoman from California's remarks about intelligence failures, and she is right. They are real and they were longstanding. You heard the majority whip of the House speak of the attacks that were levied against this country that, frankly, the intelligence systems were not up to providing long before this particular era, long before we were in Iraq: the USS Cole, the attack on our two embassies, the first World Trade Center attack, Khobar Towers, and on and on and on.

□ 1700

If 9/11 teaches us anything, it is that as Americans, and particularly as ones who have the great honor and great responsibility of representing the people of this Nation, we must continue as we did on that day, September 11, to work together to make us safe.

We are safer. We can never be safe. This land is too free, too open, too many opportunities that we enjoy and our basic liberties to ever be fully safe, but we can be, as I would argue we are today, safer.

I would hope we would be even safer tomorrow and the day after that, but to do that, we are going to have to continue our joint initiatives.

We have come a long way. We have instilled leadership and coordination of multiple agencies. We have addressed how terrorism information gets to the analysts and the policymakers who need that information most. We have had to change the culture of the FBI from one of being single-minded in a criminal investigation agency to one that pursues those who wish to harm us through proactive intelligence investigations.

We have done these things. We need to continue. We must make 9/11 a rallying cry for a safer tomorrow.

Ms. HARMAN. Mr. Speaker, I yield to Mr. GENE GREEN of Texas for a unanimous consent request.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I will place a statement in the RECORD on H. Res. 994 on the 9/11 5-year anniversary at this point.

Mr. Speaker, on Monday, this Nation took time to remember the events of five years earlier on September 11, 2001—events that changed the way we viewed the world and our own Nation. Our prayers are with the families of those that lost their lives that day. We never imagined that something like that could happen on American soil and it is still hard to comprehend the number of innocent lives lost that day.

The five year anniversary brought back memories of planes crashing into the World Trade Center Building, the Pentagon, and Flight 93 going down in Pennsylvania, but more importantly, we remembered the images of the brave Americans—fire fighters, law enforcement, medical personnel, and everyday citizens—that rushed to help their fellow Americans that were injured or trapped in the rubble of the fallen buildings.

The courage these individuals showed is the reason the terrorists were not successful in weakening our Nation. They took innocent American lives and destroyed our buildings that day, but they did not destroy our Nation's resolve because Americans will always answer the call and the first responders that day did so selflessly in an environment of chaos and uncertainty.

Over the past five years we have seen this country grow stronger in the face of the new threat that became apparent that day. As citizens we are more vigilant and as a Nation we have committed to a new war to fight terrorism across the globe.

The attacks in Spain, Jordan, Britain and elsewhere since 9/11 demonstrate that we are not alone in this fight and that we have not deterred the terrorists' intentions or will to carry out attacks against innocent people. We will continue to hunt down terrorists and terrorist cells where they are and we will lead the world in defeating their ideology.

We all have different ideas about how to do this. Over the past five years, we have seen heated debates in this House, throughout our government, and across the Nation over how to best protect our country, secure our borders, patrol our ports, and carry out the war against these extremists while protecting the American way of life and our individual liberties. But this tragedy reminded us that we are all Americans first and foremost. We may not always agree on how best to do this, but the goal of every person here is the same: to succeed in protecting our country, our way of life, and preventing another 9/11.

No one will forget where they were, or what they were doing when they learned of the attacks. This anniversary marks one of the gravest days in our Nation's history, but it also reminds us of the bravery displayed by those that reacted to the tragedy with unwavering courage and heroism.

Mr. Speaker, September 11, 2001 is five years behind us, but it will guide us for the foreseeable future. I pray for the families that lost loved ones that day and I thank those that served bravely. God be with those that are not here because of 9/11 and God bless America.

Ms. HARMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I rise in support of the victims of 9/11 al Qaeda attacks, as well as the family members who mourn them, the first responders who helped their communities recover, and the brave men and women in the armed services who are risking their lives to make us safer.

Honoring the memories of those who gave their lives on September 11 should not, however, be a once-a-year endeavor. This should not be an occasion for speeches and ceremonies. Talk is cheap, but our actions, what we do in the war on terror, that is what speaks volumes. Through our actions, we honor our dead. I would like to talk about a couple of ways in which we could better honor their memories, ways in which we can actually act.

After September 11, we began a war of necessity, the war on terror. The whole world was with us. We made enormous strides quickly in Afghanistan in that war, but then we began another war, a war of choice, in Iraq. Now, because more than 130,000 of our troops are bogged down in Iraq, we have punted the ball in Afghanistan.

Let me be clear. Today, we are in danger in Afghanistan, the original breeding ground for al Qaeda. The Taliban is gaining ground and inflicting casualties on coalition forces. If we need reinforcements, will we have them? The major victory in the war of necessity, the war on terror, that was so close now appears to be fading because we are bogged down in a war of choice in Iraq.

The best way to honor our departed heroes and friends is by winning that war of necessity. The terrorists started the war on September 11, but if we set our priorities right we can finish it.

The men and women who died on September 11 deserve victory in the war on terror, our war of necessity. They deserve more than empty rhetoric. They deserve more than talking points and slogans. They deserve more than chicken hawk mud slinging. They also deserve more than insulting those as unpatriotic or weak anyone who dares to say that we need to make some changes in the way we are fighting the war of necessity. And finally, they deserve more than siphoning off resources from the war of necessity by a war of choice.

Yes, talk is cheap. If we want to remember those who died on September 11, let us give them a victory.

Mr. HOEKSTRA. Mr. Speaker, I yield 2½ minutes to my colleague from the great State of Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, today is really an important day because what we celebrate today are those people who sacrificed of themselves and gave of their all to save the lives of someone else, and that is the real difference between us and our enemy. We celebrate those who save lives. They celebrate those who take lives. That is the difference to remember.

Al Qaeda has a very radical plan, and this attack was not just to poke America in the eye and to kill our civilians. It was to obtain a goal, a goal that they had publicly stated, a tale of faith that ranges from all of the Mideast, northern Africa, southern parts of Europe, including Spain and Indonesia.

This is a war not only of ideology but about a political geography that they believe they own and they are willing to kill Jews and Christians and men and women and Muslims to get it.

Amrullah Saleh visited the United States. He is now head of the intelligence services in Afghanistan, and he said when he was visiting here, ''Only we in Afghanistan have seen what happens when Osama bin Laden is king or prime minister or commander-in-chief of a nation. Our freedom, our culture, our way of life was completely taken from us.''

Under the Taliban, it was against the law to teach women to read or to drive. They could not go outside unless they were escorted by a male relative. They had burned buses because they were a modern necessity. They could not listen to music, watch movies or television, shave or use the Internet.

Osama bin Laden said, ''The war is for you or for us to win. If we win, it means your defeat and your disgrace forever.''

Strong words by a cowardly enemy, but we know that threat is real, and sometimes we get lost in the haggling when we all know that this is the time that we pull together and celebrate those who celebrate life, pull together against those who celebrate death.

Today is our day that we rededicate ourselves to the task of protecting and defending this Nation against a vicious and merciless enemy. We must not forget and we must do what it takes to prevail against those perpetrators of 9/11.

This is what we commemorate in today's resolution, and I would urge all of us to remember who the enemy is.

Ms. HARMAN. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, first, I thank Ranking Member HARMAN, and Mr. Speaker, I rise in support of the heroes of September 11.

Our citizens will forever remember September 11 as a day on which our values, our liberties, and our freedoms were attacked.

Our Nation's intelligence agencies and law enforcement officials learned to do business differently after 9/11.

We learned we need to give our law enforcement and intelligence agencies more powerful and flexible, modern tools to detect terrorists' plans and intentions.

As a former prosecutor, I understand the need to balance tough justice issues for criminals but also to respect human rights.

By the same logic, we have to learn what terrorists are plotting before they act so that we can keep the country safe, but we have to fight terrorists in a way that also protects Americans' rights. In passing the PATRIOT Act, Congress struck a balance between civil liberties and strong law enforcement. Not a perfect balance but a good one.

However, not every effort strikes this balance. The President ordered the National Security Agency to conduct a surveillance program in a way that avoids certain required constitutional checks and balances. The House Intelligence Committee could not oversee the NSA program because most of us were not briefed. At the administration's direction, the judicial branch, in the form of the FISA court, was bypassed.

If the administration needs new authorities to monitor terrorists, they should ask Congress for them. I see no reason, however, why this program could not be conducted under the rubric of the Foreign Intelligence Surveillance Act.

The district I represent includes NSA. So I have a special interest in the men and women of the NSA who professionally and honorably serve their country, often in secret. They should not have to worry if they are breaking the law when they follow instructions of the White House and the Attorney General.

Our counterterrorism efforts must be governed by the rule of law. To do otherwise would dishonor the heroes of September 11 and their loved ones.

Mr. HOEKSTRA. Mr. Speaker, I yield 2½ minutes to the gentleman from Kansas (Mr. TIAHRT), another member of the Intelligence Committee.

Mr. TIAHRT. Mr. Speaker, I thank the chairman.

On September 11, 2001, life in America was irreversibly changed. That day we were drawn into a war to confront a threat we did not fully understand.

Although we still cannot fully understand why terrorists hate our way of life so much, we do understand this much. We are still very much at war. Almost 5 years after the attacks on September 11, 2001, Islamic extremist groups continue to represent the most immediate threat to the United States and our allies. They have struck London, Madrid, and have bombed restaurants and hotels in the Middle East, Asia, and Africa. At the urging of Osama bin Laden, every American man, woman and child has become a legitimate target for their jihad, and American interests continue to be targeted by al Qaeda affiliates around the globe.

This year alone we have unearthed terrorist plots in Canada and the U.K. that remind us just how close the terrorist threat is as these individuals did travel into the United States with some frequency.

Mr. Speaker, we are blessed with an outstanding military that has taken the battle to the enemy, in places where every American carries a gun, rather than on the streets of New York, Washington, or Wichita, Kansas.

But the United States remains a Nation at war, a war for which we did not ask. We are safer, though, not simply because there has been no successful attack on U.S. soil since September 11, 2001. We are safer today because of the professionals of the worldwide network of intelligence, military and law enforcement officials who continue to pressure and strike al Qaeda and its followers.

We have turned a corner, and we must continue to pressure these radical Islamic organizations until victory on all fronts for freedom-loving people around the world is assured.

September 11, 2001, showed us the danger of Islamic terrorism. It also taught us that the deficiencies in our own system made it possible for terrorists to operate right under our noses.

Our most important duty as Members of Congress is to protect our Nation from ever experiencing that lesson again. For that reason, we must continue to focus on improving our national security, our homeland security, and our intelligence systems so that we can beat this threat, not only today and tomorrow but for the future, for our children and grandchildren.

I thank the chairman.

Ms. HARMAN. Mr. Speaker, it is now my pleasure to yield 2½ minutes to the gentleman from New Jersey (Mr. HOLT), ranking member on our Intelligence Policy Subcommittee.

Mr. HOLT. Mr. Speaker, I thank my friend, the gentlewoman from California.

Like every American, I spent the past week reflecting on that terrible day 5 years ago. I too attended a number of memorials and observances during the week. We came out of 9/11/2001 mourning with the families, praising the first responders, and vowing to catch and punish those responsible and vowing to do everything possible to prevent a recurrence.

For the families affected, well over 100 in my district in central New Jersey alone, the pain will never go away. The hole in their hearts and their lives is mirrored by the void that remains at Ground Zero, and that in part is what I wanted to talk about, the unfinished work in the aftermath of September 11, 2001.

Today, Congress, following the President, has veered off course. We have engaged in a war with an undefined enemy, undefined objectives and no plan for success. We have suffered a tremendous loss of American life, money and international prestige, the latter almost entirely self-inflicted. We have alienated and embittered traditional allies, some of whom believe we might even attack them at some point in the future, and we have given our enemies, unfortunately, ample material with which they can recruit new terrorists.

The families left behind on 9/11 made a clear request of us: make Americans safer from terrorism. We have not taken those specific steps, even though we should have taken them.

What are those specific steps? Well, my friend from Ohio, the majority leader, and the chairman, they know. Every Member knows. The bipartisan 9/11 Commission worked hard and well and presented a specific list on everything from securing our borders to screening shipments in ports.

□ 1715

By the way, the list did not include a suggestion that we invade Iraq.

The commission gave these specific recommendations, a blueprint on how to protect Americans. Not long ago, the 9/11 Commission gave the government about two dozen inadequate grades for failing to take those specific steps to protect Americans.

So instead of self-congratulatory and divisive resolutions, let us have an up-or-down vote to implement each of their recommendations.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to a member of our leadership, Mr. KINGSTON.

Mr. KINGSTON. I thank the gentleman for yielding, and I wanted to say that there have been a lot of steps we have taken since 9/11. Many of these steps have been taken against the Democrat leadership's will. I think it is sad that so soon after 9/11 there seemed to be so much partisan division, and yet there still was some bipartisan unity.

We were able to, for example, increase funding for first responders on homeland security. We were able to pass the PATRIOT Act. We were able to pass the REAL ID Act that revamps the requirements for State identification cards. We passed the Homeland Security Act of 2002, which established the U.S. Department of Homeland Security. And we passed more border security, including physical barriers, more Border Patrol agents, and more state-of-the-art technology. We ended the catch-and-release program. Unfortunately, 164 Democrats voted against it. We passed the Safe Port Act, which enhances our port safety. We did the

Intelligence Reform and Terrorism Prevention Act of 2004, which set up a lot of intelligence-gathering information, and part of this was the NSA program on surveillance.

And I want to say this, that I don't want the Federal Government listening to any conversation that I might have or you may have or constituents may have. But if they are suspected terrorists, and they are calling to Baghdad, I kind of want Uncle Sam to know about that.

I was actually shocked to hear that on Monday NANCY PELOSI, the leader of the Democrat Party, said that capturing Osama bin Laden would not make the world more safe. I was appalled that a Member of Congress would say such a thing. But I want you to know that that is a minority opinion. Most Democrats, most Republicans think capturing Osama bin Laden would be a good thing for the world's security and would, in fact, make the world safer. And I am glad that we have these intelligence surveillance programs so that we can close in on him.

I am also glad that we passed the BioShield program to enhance our defense against chemical and biological weapons. We have also passed an Emergency Communications Act that will help us communicate during times of disaster, and a Maritime Security Act.

All of these are done in reaction to 9/11, but also looking to prevent future attacks, and I think we are moving in the right direction. A lot of work has yet to be done, but we have got to stay the fight and we need to be unified.

Mr. Speaker, I submit for the RECORD an Associated Press article regarding events leading up to September 11, and a document entitled ''The Post–9/11 Facts.''

TIMELINE: KEY EVENTS LEADING UP TO SEPT. 11

Chronology of some key events in U.S. relations with Islamic groups and with Usama bin Laden before Sept. 11, 2001:

Feb. 26, 1993—Bomb explodes in garage under World Trade Center, killing six and injuring more than 1,000. Group of Islamic extremists later convicted.

Nov. 13, 1995—Seven people, including five Americans, killed when two bombs explode at U.S.-Saudi military facility in Riyadh, Saudi Arabia. Usama bin Laden blamed for attack.

Sept. 27, 1996—Taliban, suspected of giving refuge to bin Laden, completes takeover of Kabul, Afghanistan.

June 25, 1996—Bin Laden followers detonate bomb at U.S. military base near Ohahran, Saudi Arabia, killing 19 American soldiers and wounding hundreds of Americans and Saudi Arabians.

Aug. 7, 1998—U.S. embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, bombed, killing more than 250 people, including 12 Americans, and injuring 5,000. In retaliation, United States launches airstrikes against suspected terrorist camps in Sudan and Afghanistan.

Aug. 28, 1998—FBI accuses bin Laden of having declared ''jihad,'' or holy war, against United States. Complaint also alleges bin Laden founded Al Qaeda that year to promote Islamic fundamentalism and force non-Muslims out of Muslim countries.

Nov. 4, 1998—Bin Laden charged with ordering embassy bombings.

Oct. 12, 2000—Suicide bombers in Yemen attack U.S. Navy destroyer USS *Cole*, killing 17 sailors. Officials suspect bin Laden involvement.

Jan. 15, 2001—U.N. imposes new economic sanctions against Taliban for refusing to turn over bin Laden for trial.

THE POST 9/11 FACTS

Legislative accomplishments since 9/11:

Major Legislation Enacted: the USA PATRIOT Act of 2001 and its 2006 reauthorization; the Homeland Security Act of 2002; the Enhanced Border Security and Visa Entry Reform Act of 2002; the Maritime Transportation Security Act of 2002; and the Intelligence Reform and Terrorism Prevention Act of 2004.

House-passed (109th Congress): the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005; the SAFE Port Act of 2006; and the 21st Century Emergency Communications Act of 2006.

Institutional Reforms: creation of the Department of Homeland Security; creation of the Office of the Director of National Intelligence; creation of the National Counterterrorism Center; creation of the Terrorist Screening Center; and creation of the U.S. Northern Command (USNORTHCOM).

Presidential Programs:

Terrorist Surveillance Program, the communications surveillance program used to listen in on international phone calls coming into or out of the United States when one of the parties is a suspected terrorist.

Swift Program, the financial surveillance program used to track the financial transactions of persons suspected of terrorist activities.

Terrorist Detainee Program, intelligence gathered from detainees have yielded crucial information that would have been unobtainable from other sources.

Grants: The Department of Homeland Security has allocated more than $18 billion to states and localities in assistance and direct support for terrorism preparedness since September 11, 2001 through FY 06. Additional billions have been allocated by the Departments of Health and Human Services and Justice.

Al-Qaeda: With the removal of the Taliban, Afghanistan is no longer a safe haven for al-Qaeda and there are no functioning al-Qaeda training camps.

The al-Qaeda network has been significantly degraded since 9/11. Most of those in al-Qaeda responsible for the September 11 attacks have been captured or killed including:

Khalid Shavkh Muhammad, mastermind of the 9/11 attacks.

Ramzi Bin-al-Shibh, a coordinator of the 9/11 attacks.

Ali Abd al-Aziz Ali, nephew of Khalid Shaykh Muhammad and assisted his uncle with various plots including the 9/11 attacks.

Mustafa Ahmed al-Hawsawi, was a communications link between Khalid Shaykh Muhammad and the 9/11 hijackers.

Walid Ba' Attash, assisted with planning of the USS *Cole* bombing and helped Osama bin Laden select operatives for the 9/11 attacks.

Abu Zubaydah, a senior operative for al-Qaeda.

Hamza Rabia, a key external operations commander for al-Qaeda (killed).

Abu Faraj al-Libi, a key al-Qaeda operational commander (killed).

Majid Khan, helped Khalid Shaykh Muhammad research possible attacks in U.S.

Hambali, mastermind of the 2002 Bali nightclub attack that killed 200.

Lillie, associate of Hambali.

Zubair, associate of senior al-Qaeda operatives.

Abu Faraj al-Libbi, a Libyan subordinate of Osama bin Laden.

Ahmed Khalfam Ghailani, suspect in the 1998 US embassy bombings in Kenya and Tanzania.

Gouled Hassan Dourad, helped support al-Qaeda in Somalia.

Mohammed Atef, al-Qaeda's senior field commander (killed).

Abd al-Rahim al Nashiri, planned and organized bombing of USS *Cole*.

Abu Issa al-Hindi, planner of reconnaissance of U.S. financial institutions.

Abu Musab al-Zarqawi, operational commander of the terrorist movement in Iraq (killed).

Terror Attacks prior to 9/11:

The U.S. and its interests were attacked by terrorists prior to September 11, 2001: April, 1983, 63 people died at U.S. Embassy in Beirut; October, 1983, 241 died at U.S. Marine barracks in Beirut; February, 1983, six people were killed at the World Trade Center in New York City; June, 1996, 19 American servicemen died in bombing at Khobar Towers in Saudi Arabia; August, 1998, 224 people died at the U.S. embassies in Kenya and Tanzania and October, 2000, 17 people died on the USS *Cole* in Yemen.

Terror Attacks since 9/11: Bali, 2002, 2005; Madrid, 2004; London, 2005; Egypt, 2004, 2005; Russia, 2004; Jordan, 2005; and India, 2006.

Terror Plots Foiled:

Plan to attack targets on the West Coast of the U.S. using hijacked aircraft in 2002.

Plan to attack targets on the East Coast of the U.S. using hijacked civilian aircraft in 2003.

Plan to blow up apartment buildings in the U.S. in 2002.

Plan to attack urban targets in the United Kingdom using explosives in 2004.

Plan to attack Westerners in Karachi, Pakistan in 2003.

Plan to attack Heathrow Airport using hijacked aircraft in 2003.

Plan to conduct large-scale bombings in the United Kingdom in 2004.

Plan to attack ships in the Arabian Gulf in 2002.

Plan to attack ships in the Straits of Hormuz in 2002.

Plan to attack a U.S. tourist site outside the U.S. in 2003.

Plan to attack Queen Alia Airport in Jordan in 2006.

Plan to attack high-profile buildings in Ontario, Canada in 2006.

Plan to attack an El Al aircraft in 2006.

Plan to blow up civilian aircraft bound for the U.S. over the Atlantic Ocean in 2006.

Other Points:

According to a New York Times/CBS Poll of the Nation and New York City specifically (The New York Times, September 7, 2006):

New York City: 66% of New Yorkers are still 'very concerned' about another terrorist attack in New York City; nearly a third of New Yorkers think about September 11 every day; nearly a third of New Yorkers have not yet resumed their normal routines nationally; 75% of Americans said their daily life had largely returned to normal; and 22% of people were still 'very concerned' about another terrorist attack.

According to a recent study released by Mount Sinai Medical Center in New York (The New York Times, September 6, 2006), about 70% of a 10,000-person sampling of workers who labored at Ground Zero (excluding NYFD), have developed new or substantially worsened respiratory problems.

Ms. HARMAN. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentlewoman from California has 51½ minutes; the gentleman from Michigan has

9¼ minutes remaining. There is 35 minutes that has been yielded to the Judiciary Committee following his 9¼ minutes.

Ms. HARMAN. Mr. Speaker, I just have a very short closing comment to make for our portion of the debate, and then I plan to yield the remainder of my time to the ranking member on the Judiciary Committee. So I will make those comments now.

Mr. Speaker, let me close this portion of the debate by once again paying tribute to those who lost their lives on 9/11, to those who came to their rescue, and to those sent to the front lines in the 5 years since. The individual stories of bravery and heroism have provided some measure of light in an otherwise dark, dark chapter.

Five years ago, Mr. Speaker, Members of this body stood shoulder to shoulder on the steps of the Capitol in a show of bipartisan unity. We actually did that again on Monday, but I am not sure we recovered the spirit that we had 5 years ago. How I wish we could have, as another member of our committee said, considered a different resolution today, the one that passed the other body by unanimous consent and that was cosponsored by every single Member.

Mr. Speaker, let us not use 9/11 for political fodder. Let us speak with one voice. We owe the American people nothing less.

Mr. Speaker, it is now my pleasure to yield the remainder of the time on our side to my good friend, Mr. CONYERS, the ranking member on the House Judiciary Committee and coauthor, with me, of H.R. 5371, the LISTEN Act, legislation supported by many of our Members and a broad range of civil liberties groups that would require the so-called NSA program to comply fully with the Foreign Intelligence Surveillance Act as presently drafted.

Mr. HOEKSTRA. Mr. Speaker, I welcome to this discussion and debate my colleague from the State of Michigan (Mr. CONYERS), who is also a great cosponsor of our Federal Prison Industries legislation, which we will consider tomorrow. You have good friends on the Intelligence Committee, my friend.

Mr. Speaker, I would like to yield 2 minutes to my colleague from the State of Alabama (Mr. EVERETT).

(Mr. EVERETT asked and was given permission to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, I rise today in strong support of House Resolution 994, commemorating the cowardly September 11, 2001, attacks on the United States. Many Americans think the war on terror we are fighting began on September 11, 2001. However, 9/11 was just the deadliest attack in a war that began over 25 years ago.

For the first 20 years, we allowed terrorists to fight this war on their terms. 9/11 served as a wake-up call for us in the sense that we could no longer afford to sit on our hands and let terrorists continue to kill Americans and kill Americans and kill Americans. Under the leadership of President Bush, and with the support of this Republican-led Congress, we took the fight to the terrorists.

In Afghanistan, Operation Enduring Freedom removed the oppressive Taliban regime that ruled the Afghan people with brutality. In Iraq, we continue to make progress after a series of historic elections in which millions of Iraqis defied the threats of terrorism and voted to establish a national assembly. While much remains to be done in Iraq, it is important that we continue to remain there against those who want to cast Iraq into a civil war.

Mr. Speaker, we have accomplished so much in the global war on terror. We have significantly degraded the al Qaeda network by capturing and killing many of their leaders and associates. Despite these successes, the terrorists remain committed to launching another attack. It is not a question of if, but rather when.

As we mark the anniversary of these attacks, we must remain resolute to fight and win this war against terror. Mr. Speaker, this war on terror must be fought. We can do it in the streets of our own towns, or we can fight the terrorists wherever they are. Either way, it has to be done.

I urge my colleagues to support this resolution.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to our colleague Mr. ISSA.

Mr. ISSA. Mr. Speaker, I thank the chairman for yielding to me. I am part of the class that came in and were freshmen, we were just getting our feet wet at that time in Judiciary and International Relations, when September 11 occurred. For the class of 2000 that came in with the President, this has been our entire career. So I don't have a reference point that is particularly good of how the House was before, but I did watch a profound change, a focus after September 11 that I am very proud of.

And I stand before this body today in hopes that after this election and after this resolution passes we will get back to being the Congress that we were after September 11. Because after September 11, we came together. We accepted the compromises necessary to go out and find out who killed us, who hated us, who wanted to kill us, who would be next, and where they would attack.

Today, serving on the Select Intelligence Committee, I am concerned that partisan bickering, that in fact those who want to change who runs the Congress or those who want to retain it have begun to look in those terms rather than in terms of how do we keep America safe.

So I look forward to this passage, I look forward to going back to work, and I look forward to in fact the Congress, on a bipartisan basis, coming back together in a way that we have not been. And I am deeply disturbed at some of the statements made here today, because I think that for those who listen throughout America, Mr. Speaker, they are going to hear that many are, like me, concerned for America, concerned that we come together and we continue to do the people's work of making this country safe in the war on terrorism. And I hope that those who speak out with other ideas are also considered.

Mr. HOEKSTRA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, since 9/11, we have made a tremendous amount of progress against this war on radical Islam. We have recognized that it is a war. We are not sure exactly when this war began. Did it begin in 1979 when radical Islamists took over our embassy in Iran? Did it begin in the early 1980s, when Hezbollah attacked our barracks in Beirut, killing over 240 Marines? Did it begin in the early 1990s, when the World Trade Centers were attacked for the first time? Or did it begin when our embassies in Africa were attacked, our barracks in Saudi Arabia, the USS *Cole*? Or did it really finally begin on 9/11 in 2001? How about when bin Laden issued his fatwa in 1996, where he declared war against the West?

Since 9/11, there has never been any question that we are a Nation at war. While for much of the 1990s we ignored this threat and did not respond effectively to it, since 9/11 we have. We have put in place many things where we have recognized that we face a very dangerous and a very different kind of enemy than we have ever faced before. We have recognized that this is a global enemy.

Take a look at the progress we have made in fighting this very strange enemy. It was only 4 weeks ago that a very similar plot was disrupted and stopped in the United Kingdom: a global plot, with leadership, financing, and direction perhaps coming out of Pakistan, and the perpetrators of the plot living in the United Kingdom. A very different and a very dangerous type of terrorist. A home-grown terrorist.

□ 1730

These were not people going through the U.K. from some other country, these were people whose parents, maybe their grandparents, had moved to the U.K. They had gone to their schools and established their families, they were working.

But 4 weeks ago, they were in the final stages of putting together a plot that might have taken down 10 to 12 planes with a loss of life that would have been as great as what we suffered on 9/11. The plot was stopped. Why, because we had foreign intelligence communities of Pakistan, the United Kingdom and the U.S. working seamlessly together. That couldn't have happened on 9/11.

We also had foreign intelligence working with law enforcement. There is no wall anymore between foreign intelligence and law enforcement. Again,

it is a seamless operation enabling people to work effectively together.

On a third principle, we are now on offense. No longer will radical Islam have a safe haven where they can plan, where they can train and prepare to attack the West again. Our intelligence community, our armed services, they are on offense finding these individuals where they are. And our intelligence community and other law enforcement agencies have put in place the tools necessary to wage this war effectively. That's the testimony and the testament to the people of 9/11. We have responded to that, to the horrific attack of 9/11.

Those are the things that we as a government can do. It hasn't been perfect. This is a very, very difficult enemy but we are making progress. These are the things that man can do and government can do as we try to create a world that will be safer for our families, for our kids, for our neighbors and that will make the world a safer place.

But one of the things that I believe that many who died on 9/11 believed, and their families believe, and one of the things that is very interesting is that one of the most common things between the Islamic faith, the Jewish faith and the Christian faith is that we all view Jesus as a great teacher.

As a closing comment I would like to leave a quote from the book ''Light Force'': ''I pray that the message of the Prince of Peace will again be a light from Bethlehem to all corners of the world.''

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) will control the remainder of the time on the minority side, 50 minutes, and the gentleman from North Carolina (Mr. COBLE) on behalf of the Judiciary Committee will control 35 minutes.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 994. I will never forget, and neither will you, the sense of helplessness as we watched the events of September 11 unfold before our very eyes. As the entire world witnesses the unthinkable, we in the United States could only look to one another and pray for the strength and courage to cope with what was happening.

I don't know if there is anything that the Congress or the President could do short of capturing Osama bin Laden that everyone would agree was an appropriate response. Our critics claim we are no safer now than before the attacks of 9/11. Although there is no measure to evaluate our efforts in the war on terrorism, I do suggest that the absence of additional attacks in the United States and the apprehension of would-be attackers throughout the world bodes well for the actions we have taken.

Mr. Speaker, the legislative effort by the Committee on the Judiciary and the Congress to secure our Nation and prevent another attack on our homeland is unparalleled during my tenure in this House. Unfortunately, we know weaknesses exist. Our borders are porous, and my Coast Guard instincts fear that the enemy may be focusing his next attack on one of our ports.

I have repeatedly expressed concern about overcrowding in our prisons which may be a ticking bomb waiting to explode. Recent media reports detail that our prisons may be fertile ground for terrorist groups interested in recruiting new members. The plot to blow up jetliners recently prevented by British authorities underscores the urgency of this situation.

I fear there are many other security gaps that terrorists have already planned to exploit. We have to stay one step ahead of those people who would do us harm. This is like no other challenge this country has ever faced. These enemies would like to walk into this Chamber today, destroy all of us, and at the same time destroy themselves in an activity that would be generously laced with evil.

The only way we can defend ourselves is to improvise and continue to adjust to their changing threats. I support this resolution and I thank my Republican and Democratic colleagues for their work to defend our homeland.

I also want to express thanks to our constituents for their patience and understanding with our shortcomings and their recognition of our successes in our war against terrorism. After all, Mr. Speaker, it is they who we are trying to protect.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, and ladies and gentlemen of the House, 5 years have passed since the tragedy of 9/11; September 11, 2001, when the whole country remembers where we were, the images we saw on television, and the pain we felt in our hearts. That day will be remembered forever as a day of mourning, of suffering, and of incalculable loss.

Today as a Nation, we mourned with those who lost loved ones and for those who gave their lives that day to save others. We forgot our differences, uniting behind a common purpose seeking justice.

As I look back on that day, I remember the promise we showed as a Nation and the strength we exhibited when joining together in the days and the weeks after the horrific attacks of September 11. Members of both political parties recognized the need to ensure that law enforcement had the tools and the resources to respond to terrorist threats while at the same time respecting our Nation's core constitutional values.

But I also remember Keith Olbermann of MSNBC who in his criticisms, in his special comment section made this observation about Abraham Lincoln: ''At the dedication of the Gettysburg Memorial, barely 4 months after the last soldier staggered from another Pennsylvania field, Mr. Lincoln said 'We cannot dedicate, we cannot consecrate, we cannot hallow, this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract.'

''Lincoln used those words to immortalize their sacrifice.

''Today our leaders could use those same words to rationalize their inaction. We cannot dedicate, we cannot consecrate, we cannot hallow this ground, so we won't.

''Instead,'' Olbermann said, ''they bicker and buck-pass. They thwart private efforts, and jostle to claim credit for initiatives that go nowhere. They spend money on irrelevant wars, and elaborate self-congratulations, and buying off columnists to write how good a job they are doing instead of doing any job at all.''

Unfortunately, 5 years later it seems that we have lost our way. It is most unfortunate that the situation has become so dire that the majority and minority parties can't even come together on a simple resolution to commemorate the tragic and pivotal day in our Nation's history.

We were able to do so in the past. The other body was able to do so earlier this week. But for some reason the majority insisted on changing the text of prior resolutions and adding superfluous language touting their legislative record.

I wish I could say this was the only instance in which the majority party has sought to politicize the events of September 11, but that would not be accurate. One need only go back as far as Monday of this week when the President used a nationwide speech to somehow equate the situation in Iraq with September 11.

And last weekend, the Vice President also sought to link the war in Iraq with the September 11 attack even though a bipartisan Senate report just a few days earlier had again thoroughly debunked that myth. And there are other things that I will not bother to bring up now.

But the Secretary of Defense has compared the principal critics of the war with the appeasers of the despotic Nazi regime. Some on the other side have asserted that those who speak in favor of constitutional rights put forward by the Founding Fathers are somehow soft on terrorism.

In 2002, they even questioned the patriotism of the then-junior Senator of Georgia, a war veteran who lost his arms and legs fighting for our Nation in battle, because he insisted on protecting worker rights as part of a bill creating the Homeland Security Committee.

So it is altogether fitting and appropriate that we remember the dead, the wounded, and the families of the tragedy of September 11. But surely we can do so without also seeking to trumpet

our legislation or inserting unnecessary spin and public relations language into the resolution.

If there was anything that should bring us together as a Nation, it would be the commemoration of September 11. I hope, I pray that we can do a better job for the American people in the future.

And so, my colleagues, I ask of you, let's commemorate 9/11 the right way.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Iowa (Mr. KING) who sits on the Judiciary, Agriculture and Small Business Committees.

Mr. KING of Iowa. Mr. Speaker, I thank Mr. COBLE for recognizing me and giving me the privilege to speak on this issue today before this Congress.

Mr. Speaker, since the attacks by al Qaeda on September 11, 2001, future attacks on American soil and around the world have been thwarted by intelligence gathered by terrorist detainees. These terrorists have confirmed that al Qaeda operatives are relentlessly planning and pursuing future attacks against our citizens and infrastructure that could dwarf in comparison the destruction caused 5 years ago about now.

Information gathered from terrorists detainees has led to the capture of other al Qaeda terrorists, such as those held by the CIA and currently transferred to Guantanamo Bay. I have here some pictures of these individuals to help familiarize the Congress and the people with the kind of enemy we are up against.

□ 1745

This is a picture of Khalid Shaykh Muhammad, commonly known as the mastermind of the 9/11 attacks, those cowardly attacks on the United States. There is a long list of the transgressions of Khalid Shaykh Mohammed, including his role in the failed Bojinka plot, which was designed to detonate explosives on commercial airliners over the Pacific.

He asked Osama bin Laden for the manpower and the funds to carry out the attacks on the United States on 9/11. He plotted several other attacks, and he is, right now, under the custody of the United States of America, in the process of being brought to justice.

This is Abu Faraj al-Libi. Al-Libi had direct operational responsibilities, and he serves as a trainer at al Qaeda training camps in Afghanistan. He is another individual who is dangerous who plotted against the United States, who had no motivation, from my value system, to do so.

Another terrorist, Abu Zubaydah. Zubaydah was the third detainee here and was, at the time of his capture, trying to organize a terrorist attack in Israel. As well, he has been active in smuggling terrorists, and dangerous chemicals for the purpose of manufacturing weapons, into Afghanistan.

Then I would submit the fourth terrorist, being Ramzi Bin al-Shibh. Ramzi pledged allegiance to Osama bin Laden in person and accepted proposals to martyr himself in an operation against the U.S. Ramzi was the primary communications intermediary between the 9/11 hijackers and al Qaeda leadership in Afghanistan.

He relayed messages by e-mail and by cell phone. This man knows a lot about the terrorist network, and I believe we have learned a lot from him, but he needs to face justice as well.

Mr. Speaker, this is the face of the enemy in this global war on terror. It is a unique war in our time. Past wars have always been against a clear enemy, which had been another sovereign nation; but we are now fighting a hateful ideology that infiltrates many different nations.

Unfortunately, sometimes surveillance programs are not as tight as they need to be. We need to turn them up.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), a distinguished member of the Judiciary Committee.

Mr. SCOTT of Virginia. Mr. Speaker, the events of 9/11 were a tragedy and continue to affect Americans and our way of life today. On the anniversary of this sad day, we should be coming together, in a display of unity, understanding and common values, commending those selfless firefighters, police officers and others who provided aid without regard to their own lives, honoring the memory of those who are not with us today, and consulting those who continue to grieve.

Instead, the majority in this body has used this day in our history as an excuse to create more partisan legislation and mislead the American people about the state of America's safety. I am saddened by the use of 9/11 in this distorted manner, and I ask my colleagues to consider, instead, taking action that is more appropriate to mark this tragic event in our lifetime and to prepare ourselves against another such tragedy.

Mr. COBLE. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Texas (Mr. GOHMERT), who sits as a member of the Judiciary, Resources and Small Business Committees.

Mr. GOHMERT. There are many now who want to blame our current President and the Secretary of Defense or the prior President and his hapless administration for the brutal 9/11 attacks. There were certainly things that could have been done better over the last 30 years, but playing the blame game now can cause us to lose sight of the following truth:

No U.S. President destroyed our buildings on 9/11. No Secretary of Defense killed innocent people on 9/11. Those acts of hatred were committed by terrorists, by jihadists who want to destroy, pure and simple, our way of life.

An example on September 11, a brilliant mathematician from Tyler, Texas, Brian Jack, was a Ph.D., worked for the Department of Defense. He, ironically that day, left and did not go to the Pentagon. He went and got on an airplane. Yet evil, terrible men hijacked that airplane and flew it and crashed it into the very spot where he would have been working, killing him. That, my friends, was an act of war. We should not be blaming any American for it.

Brian, and all of those who died that horrible day, deserved better. We need to unite now. We need to recognize that terrorist Islamic extremists killed Americans and are at war with us. We must weigh into that and blame them, go after them and not each other.

Bashing our leaders, instead of showing our brutal enemies our steadfast resolve, is truly the hobgoblin of little minds. That is putting the desire for a new Speaker or other leaders above pursuit of our mutual and destructive enemy.

Our protectors deserve to be honored, not slandered. They deserve to have people come to this very floor of the House of Representatives and rave about every medal won, about every good deed, about every life saved by our servicemembers and not verbally abuse themselves.

Remember September 11, the feelings you had that day. Most of us did not see the first plane crash, but we were horrified to see a second plane crash and then to see the results of a plane flying into the Pentagon, and then to hear about a missing plane over Pennsylvania. We began to see what looked like clothing falling off the top of the tower, the Twin Towers, and then we realized to our horror, O Father God, there are people in those clothes.

Then we wept to realize the true depth and the destruction occurring. At the end of that day, no one believed we would go 5 years without having another act of terror. Do you remember the day after September 11?

Do you remember when so many of us came together and held hands and prayed and sang praises. That is the America that will defeat our foes. But you remember that day, September 12, there were Euro Americans, African Americans, Hispanic Americans, Native Americans, these were all, we were just Americans. There were no hyphenated Americans.

That is the America I want for my children and their children. That is the America that will defeat all foes, foreign and domestic, and that is what will allow God to continue to bless America.

Mr. CONYERS. Mr. Speaker, I yield 6 minutes to the ranking subcommittee chairman of the Committee on the Constitution in the House Judiciary Committee, the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, it is altogether fitting that we adopt the resolution commemorating the fifth anniversary of the terrorist attacks against

the United States and specifically against the World Trade Center in my district on September 11, 2001.

The attacks were unprovoked, dastardly and a notice to us all that we are not, at our choosing, at war. Since that day, this Congress has taken many actions in response, some of which I agreed with, some of which I did not. I resent the Republican leadership's inclusion in this resolution of references to controversial legislation, as if to imply that any patriotic American who was appalled at the attacks on our country and who believes we must take resolute actions to defend ourselves must approve of all this legislation, and anyone who doesn't is either unpatriotic or foolish.

It may be, though I do not believe it so, that all this legislation was wise and appropriate. But that was a highly debatable proposition and should not be in this resolution.

The resolution quite correctly ''honors the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers and others, who aided the innocent victims and bravely risked their own lives and health following the September 11, 2001, attacks.'' Unfortunately, unless Congress acts quickly, future generations will regard this resolution as the culmination of 5 years of hypocrisy and betrayal.

While we praised the first responders, the Federal Government has betrayed their trust by first lying to them and causing them to work in conditions that destroyed the health of many and risked the lives of thousands. It has conducted a coverup that continues to this day. It has denied the reality of the resulting illnesses and has provided almost no help to assist with the medical and other costs imposed on thousands of first responders. It is not just the first responders.

Many resident school children and people who worked or lived near Ground Zero are still suffering from the devastating environmental effects of the attacks. In the days following the attacks, former EPA Administrator Christine Todd Whitman repeatedly declared the air safe to breathe.

A Federal judge found that ''Whitman's deliberate and misleading statements to the press, where she reassured the public that the air was safe to breathe around Lower Manhattan and Brooklyn, and there would be no health risk for those returning to those areas, shocked the conscience.'' The EPA Inspector General confirmed the EPA's wrongdoing and reported 3 years ago that the White House had instructed EPA to downplay air quality concerns.

For this, Whitman and anyone at the White House who was involved ought to be criminally prosecuted, and I have demanded an independent counsel to look into this. Now thousands of people are sick and some have died from World Trade Center contamination because of the actions of the Federal Government in telling them to work and live in contaminated environments.

Studies come out every year showing that most of the people exposed to 9/11 dust and debris continue to suffer adverse health effects. On September 5, 2006, Mount Sinai Medical Center released a study that found that 70 percent of the first responders suffer lung problems because of their work at Ground Zero. Information collected about the health effects on residents, people who work in the area, and school children, show similar patterns.

This resolution before us today claims to honor the heroes of 9/11, but that is just sheer hypocrisy if we do not at the least provide health care for these people as they struggle with the effects of the attacks and of the betrayal by their own government. As Americans, let us resolve that just as we showed exemplary valor and compassion in the aftermath of the terrorist attacks, we should do the same for those who continue to suffer the health effects of living and working in a toxic environment.

Abraham Lincoln said that it was our job, our duty, to care for him who shall have borne the battle, and this we must do. We ought to provide comprehensive health care benefits for all those who are suffering. I suggest the easiest way to do this would be to extend Medicare benefits to those with 9/11-related illness who were exposed to World Trade Center dust.

I have introduced such a bill and urge my colleagues to support it and pass it without delay. As we mark this fifth anniversary, we still are not safe. We are not safer than we were on September 11, 2001, as this resolution claims.

The President and this Congress refused to do what we must to make us safe. We are not securing all the nuclear material in the former Soviet Union before it is smuggled to al Qaeda to make nuclear bombs. We are not screening all of the 12 million shipping containers coming into our ports to make sure that they do not contain nuclear or biological or chemical weapons. We are not hardening our nuclear and chemical plants from sabotage that could kill tens of thousands of Americans. We can and must do better. Now, the specific resolution before us ought to pass because we cannot let this occasion go unmarked.

But because of the cynical manipulation of the rules of the House two months before an election, the Republican leadership is using the memories of my murdered constituents to try to score political points. I find this offensive, and I for one will not fall for it.

I will not vote against the victims and heroes of 9/11 simply because the leadership distilled the resolution with highly charged political rhetoric. This type of resolution is not the way I would have chosen to honor 9/11, a day marked by unquestionable national unity.

Nonetheless, out of the respect for the families of the victims, and on behalf of all Americans, I urge my colleagues to see past the obviously political paragraphs inserted into the resolution and come together to support passage of the resolution that should really only be known for honoring a tragic day in American history.

In order that this resolution not go down in history as hypocritical, I urge my colleagues to join, finally, in helping the victims of 9/11, the victims of our government's inaction and betrayal after 9/11. My thoughts and prayers, as ever, are with the families and friends of those we lost.

Mr. COBLE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE), a member of the Judiciary Committee and Chair of the House Agriculture Committee.

□ 1800

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding, and I rise in support of this important resolution.

Five years ago, America's collective national memory was seared with devastating images of crumbling skyscrapers, a smoldering Pennsylvania field, and the very symbol of our military might ablaze. The terrorists who perpetrated these acts sought to instill fear in the hearts of Americans, perceiving us as weak, unwilling or unable to fight back, thinking us content to shrink from the international stage. In this, they misjudged.

Hours after the attacks, homemade banners fluttered over railings of highway overpasses. Old Glory was flown proudly from porches and storefronts alike. Out of the ashes, Americans united, and found strength.

Since that deadly strike, America has been diligently working to eliminate the scourge of terrorism while making sure that the individual liberties of Americans are protected.

We established the Department of Homeland Security to coordinate our national antiterrorism efforts and increase information sharing among our intelligence agencies. We also created a specific committee in the House of Representatives to address homeland security issues and conduct oversight of that agency. We also enacted the PATRIOT Act, which contains important tools to fight terrorism, including the application of traditional wiretap and other electronic surveillance authority to new technologies such as the Internet, as well as the authority for Federal law enforcement officials to share foreign intelligence information with other government agencies to protect national defense. In addition, we enhanced the penalties for money laundering and for financing terrorists and increased the maximum criminal penalties for terrorist offenses.

While these tools are extremely important in the war on terror and have undoubtedly helped ensure that no further attacks have occurred on U.S. soil to date, the Congress has aggressively

conducted oversight of this new law to ensure that civil liberties are not trampled.

From October 2001 through the end of 2005, Congress engaged in over 50 items of terrorism-related oversight, including letters to the Justice Department, oversight hearings and briefings. During the consideration of the PATRIOT Act reauthorization last year, the Judiciary Committee conducted 13 oversight hearings and received testimony from 36 witnesses, including extensive testimony from Attorney General Gonzales.

We must never forget the devastation of September 11 and we must remain vigilant in our quest to eliminate those forces that use terror to further their political and ideological goals.

I urge my colleagues to join in support of this resolution and to join together in remaining vigilant and protecting freedom.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I almost didn't want to talk about this, it is so painful for many of us to remember those tragic days and those tragic events. Monday was a very difficult day, and I thank my colleagues. Many of you came to New York to remember. Our President was there, and many others. It has been 5 years, and we spent the day with families and had many memorial ceremonies.

But it is important to remember that although it was a tragic loss, it was also considered by some to be the greatest rescue effort in our history. On 9/12, when I was in various meetings with government officials, they estimated that 25,000 people had died in the towers. But because of the heroic efforts by many, that number fell to almost 3,000. So on that fateful day, almost 3,000 lost their lives, but many thousands more lost their health. We have to remember that these heroes/heroines need to be taken care of.

To this day, not one single Federal dollar has been spent on the health care of the 9/11 responders who need our help. We need to change that. We need to stand by them and give them the support that they need.

Because of the efforts in this Congress, and I thank my colleagues, never have we been more united or determined. We came together and provided a lot of relief and support to New York, and I deeply thank you on behalf of all of my constituents and all New Yorkers.

But we have to remember that many people are sick. In the study that came out of Mount Sinai that was funded by this Congress, $90 million to track the health of the people, over half are still sick. Seventy percent are very sick and 40 percent have no health care.

We need to change that. We need to stand together and help these people, as we stood together after 9/11 to help our country.

In my hometown, nearly 3,000 of our neighbors, responders and friends were killed by the despicable terrorist acts of 9/11. They may be gone, but their memories are forever alive, especially when we honor them, as we do today. In reading this resolution before us, four words that are particularly poignant were our call for unity immediately after 9/11—"We will never forget."

When recovering and moving forward from 9/11, we must live by this mantra.

"We will never forget" means heeding the lessons 9/11 taught us about our security. Our deficiencies were expertly explained by the bipartisan 9/11 commission, and their recommendations provided a blueprint to make us safer. Two years ago, I helped pass the intelligence reform bill that implemented some of the commission's recommendations, but it took a monumental struggle. And since then, not a single remaining recommendation—of which there are many—has been implemented.

In its final progress report, the commission gave the government more F's than A's. The blueprint is sitting on the shelf, collecting dust. We cannot forget its existence.

"We will never forget" also means taking care of those who continue to suffer, even now. Thousands of responders, residents and workers who were at or near Ground Zero and inhaled the toxic dust are developing serious illnesses—and some are dying.

Many Americans became aware of their plight before of their plight before the fifth anniversary, but now the news cycle has changed. The ailing men and women are out of the headlines again, but they still suffer and struggle to get help.

Before the Federal Government failed to respond to the victims of Hurricane Katrina, it was failing to respond to the obvious and growing 9/11 health crisis affecting some of our bravest Americans. This is like Katrina in slow motion.

For five years, the Federal Government has either denied the problem or reluctantly offered weak assistance. The ailing men and women need their government to roll up its sleeves and tackle the problem with all its might, just like our responders did when acting for our country. Instead, their government is tiptoeing around the crisis.

"We will never forget" means ensuring everyone who was exposed to toxins is examined and everyone who is sick is treated. It is just that simple.

Mr. COBLE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. MURPHY), who sits on the Energy and Commerce Committee.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the distinguished gentleman from California (Mr. DANIEL E. LUNGREN), and that he may yield time to Members seeking to speak.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. DANIEL E. LUNGREN) will control the remainder of the time.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania for 3 minutes.

Mr. MURPHY. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, September 11, 2001, is a date which we will remember for many things. I will now remember it in a different way, because on September 11, 2006, I traveled with several other people to Shanksville to watch the families commemorate the fifth anniversary of this tragedy.

Where I was sitting, I spent much of that ceremony looking at their tear-filled eyes, the husbands, the wives, the fathers, the mothers, their brothers and sisters, the cousins, the sons and daughters, and knowing that much of what they must have been thinking then and now is what happened and what we will do to prevent it from happening again?

I also know that on September 11, 2001, as that plane, Flight 93, was flying back towards Washington, DC, it flew over areas south of Pittsburgh, and I could not help but think as they passed over our homes and schools that passengers on that plane delayed their action until they got away from populated areas. But what they did that day was they began an offense against what we have been taking for granted for 30 years.

For 30 years, the kidnapping in Iran, the USS *Cole* bombing, the bombing of the Khobar Towers, the bombings of our embassies, the bombing of the Marine barracks, for 30 years we did relatively nothing but fight back by taking people to court. And that did not work.

It is important that we see this as a battle, as part of a longer struggle to fight those radical extreme elements of Islamic fascists who want to take this as a war. Not all Muslims, but that small element that we must fight against.

We agree we have to win. But what we don't agree with is that we have to fight, we have to interrogate, we have to detain, we have to listen in on and we have to track their financial records. And that is why the acts this Congress has passed, the PATRIOT Act, intelligence reform, border security, are all an important part of us taking the fight back.

What we will learn from September 11 should be not just a day which stands alone, but like other September 11ths, this one, the battles that took place in New York and the Pentagon and Shanksville, September 11, at the Battle of Brandywine in 1777, that is not a stand-alone date, but it is a date of which we acknowledge the change of what happened to the American colonial forces in the Revolutionary War. Or September 11, 1683, a turning point for the Ottoman Empire in the Battle of Vienna. It ended the siege of the Turks and the turning point of a 300-year struggle, of which at that time those forces sought to control Europe.

For the families of 9/11, we must continue to recognize that all of this is part of a larger battle, not a single act, and if we sit back and we do nothing

beyond that, we will not really be acknowledging all that these victims need. It is part of a battle we have to continue to fight.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 7 minutes to the gentleman from New York (Mr. HINCHEY), a distinguished member of the Appropriations Committee.

Mr. HINCHEY. Mr. Speaker, I want to express my appreciation to my dear friend and colleague, the chairman of the Judiciary Committee, for providing us with this opportunity to speak.

Five years and 2 days after the brutal and vicious attack of September 11, 2001, it is impossible to contemplate this resolution without being aware, fully aware, of the way in which our government has failed.

Less than 4 months after that attack, I was in Afghanistan, thanks to the initiative and leadership of my friend and colleague, Representative JIM KOLBE from Arizona, who organized that mission. We met with President Karzai, among others, and with the new leaders of the country at that time. And when we asked him what was the most important thing that we could do to help his country now after the Taliban had been chased out and Osama bin Laden was on the run, he said, ''Security. Help us with security. Make sure we are secure. We will be able to take care of everything else.''

We have failed. Afghanistan is not secure under this government that we allowed to be put in there. It is not secure. The Taliban is reemerging. The warlords are back. More and more heroin is being produced in that country. The situation is becoming increasingly chaotic and increasingly dangerous. And that is just one example of the failure of this government.

While we were there, decisions were being made by the administration not to pursue Osama bin Laden, not to capture Osama bin Laden, and the likelihood motivating that decision was that if he were to be captured then that would have made it extremely difficult for the administration to attempt to justify their intention of attacking Iraq, which they intended to do at that moment and even earlier.

The situation in Iraq now has deteriorated seriously. We are confronting there a civil war. In spite of the fact that this Congress has appropriated more than $300 billion for the rebuilding of that country, that rebuilding has not occurred. Most of the electricity is not back on, most of the basic infrastructure is not in place, and the security situation there continues to deteriorate. There is no plan by the Pentagon or by this administration for dealing with the circumstances there. Once again the hallmark of this government is failure.

We are also now confronting difficulties in other situations because of this, because of the lack of leadership and because of the failure. North Korea has resumed its nuclear program. They may have as many as five or six nuclear warheads produced already. The world is a much more dangerous place as a result of the failure of this government.

Iran is now resuming its nuclear operations, and they will be in a position to produce nuclear weapons within the next several years, perhaps within the next 5 years, or maybe sooner. The world is a much more dangerous place than it was.

This administration and this Congress have failed miserably to protect the people of this country, to make us safer and to make the world a safer place. In fact, the situation is precisely opposite. The circumstances continue to deteriorate, day in and day out. And there is no plan. They have no plan for improving the situation, no plan for making things better, no plan for withdrawing our forces, no plan for strengthening the government in Iraq as they go deeper and deeper into civil war.

This Congress has failed miserably. It has failed miserably initially because it has failed to confront the administration in the deceptive way in which they justify the attack against Iraq, when Iraq had absolutely nothing to do with the attack of September 11; how they focused attention away from the perpetrators of that attack, the al Qaeda network and Osama bin Laden, for the personal and political reasons of the administration and focused them on Iraq.

□ 1815

There was no justification for that. And the responsibility of this House of Representatives to ensure that this House is not misled by an administration has been put aside. There has been no investigation of the way in which the administration misled the Congress. There has been no investigation of the way in which the administration presented the so-called intelligence to the Congress which was completely falsified. And when they presented it, they knew it was falsified. This House of Representatives has failed the people of our country.

Under the Constitution, we have an obligation to oversee the executive branch, to make certain that the executive branch is behaving in a lawful way, to make certain that the executive branch is organized and conducting itself in accordance with the law and that it is not violating the law by deceiving the Congress and the American people, which it has done. And the consequences of that deception is now being felt by everyone in this country, and the consequences will become deeper and deeper over time because there is no plan by this administration to alter the circumstances and to improve them.

So as we deal with this resolution, we ought to recognize how we ought to be dealing with our obligations and responsibilities as the legislative branch of this government, the branch that has the responsibility to make the law and to oversee the operation of those laws and how that operation has been mishandled by this House. It must stop. It has to end.

We have to stand up to our obligations and responsibilities under the Constitution and under the law, and our failure to do so places the people of this country in increasing jeopardy more and more every day.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I am now pleased to yield 3 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN), member of the Appropriations Committee and vice chairman of the Subcommittee on Defense Appropriations.

(Mr. FRELINGHUYSEN asked and was given permission to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in strong support of this resolution marking the fifth anniversary of the vicious attacks on America.

It was 5 years ago this past Monday, our Nation utterly changed as tragedy struck in the streets of Lower Manhattan, the fields of Pennsylvania, and at the Pentagon.

On that day we also saw good rise in the face of evil and heroes rise in the face of danger. In Lower Manhattan, many of our brave first responders knew the risks they were taking, but they were determined to do their job. Police officers and EMS workers escorted workers out of the burning buildings as firefighters raced up stairwells of these same buildings to rescue those trapped high above.

When the day was over and as we learned more about the tragic and, yes, murderous attacks, we lost nearly 3,000 Americans, including 700 from my home State of New Jersey, and that is why I am here this afternoon. We witnessed neighbors and friends consoling one another and watched as Americans from all walks of life stood united.

As America rebounds and recovers, our Nation is responding to these acts of terrorism with the might of our military.

The war we continue to fight today began before September 11, as others have stated. But on September 11 it began without provocation and without warning. It was not a war of our choosing, but rather was made our priority. It was the slaughter of innocents by people with a twisted sense of religion who play by no rules.

So many of our heroes currently fighting terrorism around the globe put their lives on hold after September 11 to join the Guard and Reserve to serve our country and defend our freedom. They serve side by side with the regular military, volunteers all. We see the character and resolve of America in these brave young men and women, and we are grateful for their service and sacrifice and that of their families each and every day. They truly are doing the work of freedom, and they deserve our support and prayers.

May God bless those who continue to defend those freedoms, and may we

never forget September 11, 2001, and those who lost their lives on that day of infamy.

Mr. CONYERS. Mr. Speaker, I yield 7 minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, the ranking member on the Subcommittee on Immigration of the House Judiciary Committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member and my colleagues who are here.

There is not a single heart of a Member of this body that I would challenge on the basis of their commitment, their passion, and the sense of loss that we have experienced through these 5 years and now on the commemoration of this 5th year and certainly on 9/11. So I will read a section from this resolution, and I am going to attest to my complete loyalty and commitment to this language: That we reaffirm ''that the American people will never forget the tragedy of September 11, 2001, and the loss of innocent lives that day,'' that we ''will continue to fight the war on terrorism in their memory, and will never succumb to the cause of the terrorists.'' That should have been the guiding moral standard by which this body continued to do its work after 9/11.

I rise today, Mr. Speaker, to offer my deepest sympathy and empathy to those who still grieve. The families who lost their loved ones in the World Trade towers, those who lost their loved ones in United Flight 93, American Airlines 77, American Airlines 11, and United Airlines 175, and as well those who have since lost their lives, who may have lost their lives because they were first responders and they suffered terrible injuries that caused an early demise.

I wish we could bring them back, frankly. I wish we could tell them how much we appreciated them. I wish the children who had lost their family members, their moms, their dads, their grandparents, and others could again have the joy of hugging them and showing the love. But, unfortunately, we stand here acknowledging that this tragedy will live with us forever.

We noticed on September 11 we were not Democrats or Republicans. We were not red States or blue States. We made a commitment that we were going to do the right thing, and I can remember the sense of urgency of a united America as we instigated Operation Enduring Freedom and pursued the enemy and were diligent as we toppled the Taliban and liberated Afghanistan, and as has been said, we were hard fast on the heels of Osama bin Laden. But, Mr. Speaker, I think it would be both remiss and dishonest to not challenge us and ask the question, where are we today?

I recently came back from Afghanistan and Iraq, and it is interesting, as I listened to the distinguished gentleman from New York, the same question was asked of us by President Karzai. He gave the same answer, and that answer was that we need security. At the time we visited, the poppy fields were raging. The Taliban was alive and well. Members of the Afghanistan Parliament asked us whether or not they could have us provide security so that they could go home to their districts. All is not well. And, frankly, I believe it is important to note, Mr. Speaker, that it was not well because we detoured from our task. The commitment we gave on the steps of the United States Capitol, as we sang ''God Bless America,'' to fight the terrorists was not kept because instead of staying the course in Afghanistan, we moved the ball. We detoured. We used up resources. We used up international capital. We used up the ability to do the job.

And I say that because I do it in the memory of the first responders, who still some of them are looking for health care benefits that we have not been able to give them. I say that in the name of an unwieldy war in Iraq that had nothing to do with the immediacy of the war on terror, a costly diversion, probably where the money for Afghanistan has gone, $308.58 billion. This red clearly gives us the picture. This is Iraq, a country that could afford to pay for many of its own needs. And in the course of that, we have failed. Our border enforcement and immigration enforcement have fallen drastically under this administration. Between 1999 and 2004, work-site immigration enforcement operations against companies were scaled back 99 percent by the Immigration and Naturalization Service, which subsequently was merged into the Department of Homeland Security. In 1999 the United States initiated fines against 417 companies. In 2004 it issued fines against only three. Years of neglect have brought us where we are today.

We know that Democrats offered amendments where there would be 6,600 more Border Patrol agents, 14,000 more detention beds, and 2,700 more immigration agents along our borders. And yet we failed. There is a concept called OTMs. Now we hear a raging voice on OTMs, ''other than Mexicans,'' who come across the border who may, in fact, be the very ones who are here to do us harm. Those very porous aspects of our border have been defeated and the resources for such have been defeated time and time and time again.

So what we find is that 84 percent of the experts said we are losing the war on terror, 86 percent said that the world is becoming more dangerous for the U.S. and the American people, and 57 percent consider an attack on the scale of the London bombing against the U.S. to be likely or certain by the end of the year.

I stand committed and wedded to the concluding language of this resolution. We will not let the terrorists win. But the debt that we owe those who lost their lives on 9/11 has not yet been paid, and this Congress is at fault. This majority is at fault. And I beg today, as we vote on this resolution with all of its inadequacies in terms of its language, that our single commitment should be as every Member has stood on this floor to those who lost their lives and to the first responders. Can we, Mr. Speaker, do our job today? Can we do it united? Can we do it on behalf of those who sacrificed? Can we do the right thing?

Mr. Speaker, I rise to speak on H. Res. 994, a resolution purporting to express the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched by Osama bin Ladin and al-Qaeda against the United States on September 11, 2006.

Mr. Speaker, in the life of this Nation there have been a few events of such consequence and moment that they have a transformative impact on the people of the country. For my parents' generation the death of President Franklin Roosevelt was such an occasion. For my generation, the assassination of President Kennedy in 1963 is a moment that lives with us forever. The explosion of the Shuttle Challenger in 1986 left a traumatic and indelible impression on my children's generation. The morning of September 11, 2001 is a day all living Americans will remember forever. Because not since Pearl Harbor have we witnessed such a dastardly and deadly attack on American soil.

As I stand here today, my heart still grieves for those who perished on flights United Airlines 93, American Airlines 77, American Airlines 11, and United Airlines 175. When the sun rose on the morning of September 11, none of us knew that it would end in an inferno in the magnificent World Trade Center Towers in New York City and the Pentagon and in the grassy fields of Shanksville, Pennsylvania. How I wish we could have hugged and kissed and held each of the victims one last time.

I stand here remembering those who still suffer, whose hearts still ache over the loss of so many innocent and interrupted lives. My prayer is that for those who lost a father, a mother, a husband, a wife, a child, or a friend will in the days and years ahead take comfort in the certain knowledge that they have gone on to claim the greatest prize, a place in the Lord's loving arms. And down here on the ground, their memory will never die so long as any of the many of us who loved them lives.

Mr. Speaker, as hard as it is to believe, out of a tragedy so overwhelming and horrific, something good and great emerged. In the aftermath of September 11, there were no Republicans or Democrats. There were no Northerners or Southerners or West or East Coasters. We were not Red State or Blue State. We were all simply Americans. On that day, we were united in our shock and anger and sadness. More importantly, we were united in our resolve to defend our country and protect the freedoms that has made America the greatest country in the history of the world. We lit candles, held hands, helped neighbors, and prayed for our country and its leaders.

A united America can never be defeated as Operation Enduring Freedom showed. The brave and valiant armed forces of the United States swiftly toppled the Taliban and liberated Afghanistan and was hard on the heels of Osama bin Ladin, who was trapped in Tora Bora. But before they could bring this mass

murderer to justice, they were inexplicably diverted to Iraq, where the President had launched a new war against an enemy that posed no immediate threat to the security of America and had no involvement in the attack of September 11. In dividing our armed forces between Afghanistan and Iraq, this Administration divided the American people and alienated friendly nations who were helping us to win the Global War on Terror.

Victory in the Global War on Terror is the best way to honor those who lost and gave their lives on September 11. Ensuring that America is safe and secure and protected from another attack on American soil is the least we owe to the heroic passengers on Flight 93 and to the brave firefighters of the FDNY and officers of the NYPD and the officers and civilians we lost in the Pentagon who gave faithful service to our Nation.

So, Mr. Speaker, as we reflect back on the history-changing day 5 years ago, we need to ask ourselves today this haunting question: have we done everything necessary to make America as safe as it can be? The sad truth is we have not. Osama bin Ladin is still at large. Our seaports and trains and chemical plants are still vulnerable.

And most important, our borders are not as secure as they could be.

In recent months, the American public has been focusing on the lack of security we have on the Nation's borders. Four-and-a-half years after 9/11, it is clear that our borders remain alarmingly porous and that much needs to be done to truly make our borders secure.

The fact that our border is porous is not the fault of our hard-working Border Patrol agents and Customs and Immigration agents, who are doing the best they can with the staffing levels and resources that they have been provided. Rather, it is the result of the neglect and underfunding of border security over the last 4½ years by the Bush Administration and Congressional Republicans—who have failed to provide our border security agencies the resources and personnel they need to succeed in their mission.

Indeed, under this Administration and this Republican-led Congress, from 9/11 through April 2006, only 1,641 new Border Patrol agents had been hired—which is less than a 17 percent increase in 4½ years. Furthermore, border enforcement and immigration enforcement have fallen drastically under the Bush Administration. For example, between 1999 and 2004, worksite immigration enforcement operations against companies were scaled back 99 percent by the Immigration and Naturalization Service, which subsequently was merged into the Department of Homeland Security. In 1999, the United States initiated fines against 417 companies. In 2004, it issued fine notices to only three.

After years of neglect, Congressional Republicans and President Bush are now busying themselves with speeches about the importance of border security—but the question remains: where have the Republicans been for the past 4½ years?

Over the past 4½ years, Democrats have been attempting to highlight the serious security gaps that exist along both our southern and northern borders—and have been attempting to get the GaP-controlled Congress to focus on targeting resources on unfilled gaps. But the Republicans time and again resisted efforts to enhance border security and provide our borders the agents, equipment, and state-of-the-art technology that our borders so desperately need.

Seven times over the last 4½ years, Democrats have offered amendments to enhance border security resources. If these Democratic amendments had been adopted, there would be 6,600 more Border Patrol agents, 14,000 more detention beds, and 2,700 more immigration agents along our borders than now exist. Each time, these efforts have been rejected by the Republican Majority.

Mr. Speaker, consider these examples of the majority's failure to provide leadership for America on border security since 9/11.

1. 2001 Vote #454—November 28, 2001—H.R. 3338, FY 2002 Defense Appropriations/Emergency Supplemental: Republicans voted against consideration of an amendment that would have added $223 million for border security—to help meet the promises in the 2001 PATRIOT Act on border staffing and to build needed border facilities. After 9/11, experts recognized that the porousness of the northern border represented a major security threat to the United States. And everyone remembered the attempt by an Islamic extremist to get a large amount of explosives across the Canadian border in December 1999 to blow up the Los Angeles Airport in the Millennium bombing plot. Recognizing these concerns, Congress included a provision in the PATRIOT Act mandating the tripling of the number of border agents and inspectors along the northern border. This amendment included $145 million to make a down payment on the promise of Congress in the PATRIOT Act to triple northern border personnel, which the bill failed to do, and to purchase surveillance equipment. The amendment also included $78 million for the highest priority facility needs of the Border Patrol and other parts of the INS—particularly the Border Patrol's detention facility needs.

2. 2003 Vote #301—June 24, 2003—H.R. 2555, FY 2004 Homeland Security Appropriations: Republicans voted against consideration of an amendment that would have added $300 million for border security, including making a further downpayment on the promise of Congress in the 2001 PATRIOT Act to triple the number of border agents and inspectors along the northern border. The amendment was critically needed because the level of northern border personnel funded in the Republican bill was about 30 percent below the commitment made in the PATRIOT Act.

3. 2003 Vote #305—June 24, 2003—H.R. 2555, FY 2004 Homeland Security Appropriations: This vote was regarding the same amendment as 2003 Vote #301 above. On a vote on appealing the ruling of the chair, Republicans once again voted against consideration of this amendment that would have added $300 million for enhancing border security, including adding border agents and inspectors along the northern border.

4. 2004 Vote #243—June 16, 2004—H.R. 4567, FY 2005 Homeland Security Appropriations: Republicans voted against consideration of an amendment that would have added $750 million for border security—to help meet the promises in the PATRIOT Act on border staffing, better monitor our borders, and deploy radiation portal monitors. Under the GOP bill, the level of northern border personnel funded was still about 30 percent below the commitment made in the PATRIOT Act—so the amendment was designed to help Congress keep its promise. The $750 million would also have been used for giving Border Patrol more of the equipment they critically needed—including air stations for air patrols, radiation portal monitors, and state-of-the-art surveillance equipment.

5. 2005 Vote #160—May 5, 2005—H.R. 1268, FY 2005 Supplemental Appropriations Conference Report: Republicans voted against a motion to send the report back to conference with instructions to add $284 million for border security measures—that would bring funding for border security in the conference report up to the level in the Senate-passed bill. The $284 million included the funding for 550 additional Border Patrol agents and 200 additional immigration agents that was included in the Senate bill. It also included the funding in the Senate bill for unmanned border aerial vehicles, which have been used successfully in Arizona to assist in surveillance.

6. For FY 2006 and FY 2007, Republicans Have Repeatedly Broken the Promises They Made on Border Security in the Intelligence Reform (9/11) Act of 2004: In December 2004, the Congress enacted the Intelligence Reform (or 9/11) Act (PL 108–458). One of the key commitments Congress made in that Act was to beef up border security measures. This included the specific promise of providing 2,000 additional Border Patrol agents, 800 additional immigration agents, and 8,000 additional detention beds per year from FY 2006 through FY 2010. And yet, both for FY 2006 and FY 2007, the Republican Congress has repeatedly voted against efforts to meet this mandate, as seen below.

7. 2005 Vote #174—May 17, 2005—H.R. 2360, FY 2006 Homeland Security Appropriations: Republicans voted against consideration of an amendment that would have added $400 million for border security, to meet the promises Congress made on additional Border Patrol agents, immigration agents, and detention beds in the 9/11 Act. First, the President's budget for 2006 broke the promise of the 9/11 Act by providing funding for only 210 new Border Patrol agents in 2006—1,790 below the number promised. The Republican appropriations bill was better than the President's budget, funding 1,000 new agents—but this was still 1,000 agents short of the promise made in the 9/11 Act. The Republican bill also broke the promises on immigration agents and detention beds. This amendment was designed to live up to the commitments of the 9/11 Act. It added funding for Border Patrol agents, and also added funding for 600 additional immigration agents to get to the 800 promised and added funding for 4,000 additional detention beds to get to the 8,000 promised.

8. 2005 Vote #187—May 18, 2005—H.R. 1817, FY 2006 Homeland Security Authorization: Republicans voted against a Democratic substitute to the Homeland Security Authorization bill that was designed to fulfill the promises in the 9/11 Act. For example, the Democratic substitute included a full authorization for funding a total of 800 additional immigration agents for 2006 promised in the 9/11 Act and a full authorization for funding a total of 8,000 additional detention beds for 2006 promised in the 9/11 Act.

9. 2005 Vote #188—May 18, 2005—H.R. 1817, FY 2006 Homeland Security Authorization: Similarly, Republicans voted against a

motion to recommit the Homeland Security Authorization bill with instructions to report it back immediately with instructions to add 15 mandates from the Intelligence Reform (or 9/11) Act that had not been included in the Republican bill, including full authorization for funding a total of 800 additional immigration agents for 2006 and full authorization for funding a total of 8,000 additional detention beds for 2006.

10. 2006 Vote #56—March 16, 2006—H.R. 4939, FY 2006 Supplemental Appropriations: Republicans defeated an amendment to H.R. 4939, FY 2006 Supplemental Appropriations, offered by Representative MARTIN SABO, which would have added $600 million for border security measures to the bill. The $600 million included $400 million for installation of 1,500 radiation portal monitors at locations along the border and $200 million for additional air patrols and other aviation assets at our land borders.

11. 2006 Vote #210—May 25, 2006—H.R. 5441, FY 2007 Homeland Security Appropriations: Republicans voted against consideration of an amendment that would have added $2.1 billion for border security, including $1.5 billion to meet the promises Congress made on additional Border Patrol agents, immigration agents, and detention beds in the 9/11 Act. The Republican Congress has failed to meet these mandates for both 2006 and 2007. This amendment provided enough funding to address the cumulative shortfalls that have resulted from underfunding in both 2006 and 2007.

For example, on Border Patrol agents, the Republican Congress had funded only 1,000 additional agents for 2006 and was funding only 1,200 additional agents for 2007—leaving the Congress 1,800 agents short of what it had promised in the 9/11 Act. Hence, the amendment provided funding for these 1,800 additional agents. Similarly, the amendment also funded the nearly 500 additional immigration agents and 9,000 additional detention beds beyond those in the bill that were promised by the 9/11 Act. The amendment also included $610 million to further increase border detection capabilities, including funding more radiation portal monitors along the borders and providing additional air patrols along the borders.

CONCLUSION

I believe it is the resolve of all Members of this House and of all Americans to prevail in the Global War on Terrorism. I believe all Americans want their country to remain safe, free, and invulnerable to another cowardly attack like the one we witnessed 5 years ago. We owe that much to the Americans who lost and gave their lives. We owe it to them to ensure that their children and loved ones will never again experience such pain, suffering, and loss. We can do this. We must do this. But to bring this new future into being, we need a new direction from the present course.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the distinguished gentleman from Florida, the former chairman of the Appropriations Committee, Mr. YOUNG.

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of House Resolution 994.

Mr. Speaker, I rise in strong support of House Resolution 994, legislation that recognizes September 11th as a national day of mourning and service in remembrance of those who lost their lives in the terrorist attacks on that dark day in American history and of those too who have paid the ultimate price in our ongoing war against global terrorism.

With this resolution, we also honor the heroic actions of the first responders, law enforcement personnel, volunteers and others who aided the innocent victims and bravely risked their own lives and health to help the victims of terrorist attacks in our Nation's Capital, New York City, and the fields of Pennsylvania.

We also express our ongoing thanks for our men and women who serve our Nation in uniform in military service, as intelligence personnel, and as law enforcement officials as they continue to put their lives on the line every day here at home and around the world in the war on terrorism. This is indeed a global war and we also give thanks for all the nations of the world who have joined in this effort.

These efforts have met with tremendous success as our combined forces have thwarted a number of major terrorist organizations and specific planned attacks against American targets and our allies. We cannot, however, lessen our resolve if we are to successfully search out and eliminate these terrorists and their terror cells.

In adopting this resolution, we vow to remain vigilant in this war against terrorists and commit to providing every resource they require to win this fight. We also reaffirm our commitment to never forget the tragic loss of human life on September 11th and in doing so continue to fight the war against terrorists in their memory, never succumbing to the fear they generate.

Mr. Speaker, on that dark day, the American people came together as one in a way we have never seen in our Nation's history. We put politics and ideology aside and focused our attention on securing our Nation, healing our wounded, and consoling our grieving.

My hometown newspaper The St. Petersburg Times was right on the mark in its editorial Monday, saying, "On this anniversary, we would do well to put aside our rancorous divisions and crazy conspiracy theories and reflect on that post–9/11 period when Americans came together in purpose and spirit and much of the world felt our pain, even if it all was too brief. That memory is worth holding on to."

This editorial, which I will include in its entirety following my remarks, correctly states that we can never go all the way back to the way things were before terrorists struck here on our soil. However, the Times calls upon us as a nation to go back to that time five years ago in renewing our national unity to secure our shores and rebuff the threat of fear and destruction from cowardly terrorists in saying: "But we can—and we must—hold on to the values and the spirit that some call American exceptionalism. The terrorists would like nothing better than to see us surrender our most precious freedoms and bedrock values to fear. So on this fifth anniversary of that day of unspeakable savagery, let us remember how we felt on Sept. 12, 2001, not the fear and heartbreak so much as the unity and purpose we shared. Only then can we take a full measure of our loss."

Mr. Speaker, we recall that after 9/11 my colleagues and I in the Congress authorized the President to do whatever he deemed necessary to fight this new war on terrorism. Those who are engaged in this war today are patriots and we must all support them. While I support our current operations, I know that we have people in this country who disagree with our current war on terror. And you know what? They are patriots too. Those who agree with the President, they are patriots. Those who disagree with the President, they are patriots. Those who agree with me are patriots. Those who disagree with me are patriots. Republicans, Democrats, liberals, conservatives, we are concerned about our homeland and our security. And by and large everyone who remains engaged in this great debate is showing themselves to be patriots in their care and concern for our country and our men and women in uniform.

Let that be one of the most important lessons of September 11, 2001. While we may continue to disagree at times, let us give thanks for the freedom to disagree and at the end of the day come together in unity to support the brave men and women in all branches of service who fight the scourge of terrorism here and abroad. This can and should be the lasting tribute to all those who lost their lives five years ago.

[From the St. Petersburg Times, Sept. 11, 2006]

FREEDOM FROM FEAR

Five years ago today, on a lovely September morning, bolts of terror came out of a clear, blue sky. Nineteen men armed only with box cutters hijacked four passenger airliners and rammed three of them into the symbols of American military and financial might. Two of the planes flew into the twin towers of the World Trade Center in New York in a horrifying spectacle. A third plane demolished a wing of the Pentagon. A fourth, United Flight 93, believed to be headed for Washington, crashed in a field in Pennsylvania after passengers rose up against the hijackers, In less than an hour, 3,000 people died that day.

That was the day terrorism came to America, and we haven't been the same since. Neither has much of the world. Since then, terrorists have struck in London and Madrid and Indonesia, among other places—nothing as spectacular as 9/11 but still lethal to hundreds of innocents. But they have not hit the United States again, not that anyone doubts that they have been trying. President Bush said last week that scores of terrorist plots have been foiled, and that while America is safer than it was five years ago, it is still not safe. Will it ever be in a world of suicidal maniacs?

On this anniversary, we would do well to put aside our rancorous divisions and crazy conspiracy theories and reflect on that post–9/11 period when Americans came together in purpose and spirit and much of the world felt our pain, even if it all was too brief. That memory is worth holding on to.

There was something unreal about watching the horror of that day unfold on television. Who can forget the sight of people leaping to their deaths from the top floors of the burning twin towers? Or of the first responders—firefighters, police officers and rescue workers—who heroically braved smoke and fire and dust in their desperate attempt to reach any survivors? Americans lined up to donate blood and gave generously

to aid the families of the victims. We knew the endless kindness of strangers. In Washington, bitter partisanship gave way to unity and the debate over domestic priorities was crushed by the question of how to protect the homeland from madmen bent on mass destruction.

The world wept with us and for us as they saw America as a victim instead of an arrogant superpower. Iranians held candlelight vigils to express support for the American people. Germans marched in the street to show solidarity. In France, a front-page editorial in Le Monde, reliably anti-American on most things, proclaimed: ''We Are All Americans.'' The world stayed with us when Bush launched a ''just war'' in Afghanistan, where the Taliban was protecting Osama bin Laden and his al-Qaida terrorists.

Sadly, the good that came out of 9/11 was not to last. It began to unravel after the president, with the approval of most congressional Democrats, chose to go to war against Iraq, which had nothing to do with the 9/11 attacks. World opinion turned against us, and as Iraq became a huge debacle, Americans turned on each other.

America has taken quite a beating in world opinion in recent years on everything from prisoner abuse at Abu Ghraib and Guantanamo to secret CIA prisons abroad and warrantless eavesdropping at home. The debate over balancing our liberties and our security rages on in Washington, and America's image in the world has been badly tarnished.

We can never go back to the way things were before 9/11—or even to the way we were in the immediate aftermath of that calamity. It's hard to imagine a future not chilled by the threat of terrorism, which started as a cause and has now metastasized into a mentality among Islamic extremists.

But we can—and we must—hold on to the values and the spirit that some call American exceptionalism. The terrorists would like nothing better than to see us surrender our most precious freedoms and bedrock values to fear.

So on this fifth anniversary of that day of unspeakable savagery, let us remember how we felt on Sept. 12, 2001, not the fear and heartbreak so much as the unity and purpose we shared. Only then can we take a full measure of our loss.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I am now pleased to yield 2½ minutes to the distinguished gentleman from Florida (Mr. BILIRAKIS), a member of the Energy and Commerce Committee and vice chairman of the Veterans' Affairs Committee.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we are here today to commemorate the fateful events of a beautiful September morning. For most of us in this Chamber, September 11, 2001, started out like any other warm, sunny Tuesday morning. We were going about our daily business, meeting with constituents, and participating in committee hearings. The hint of fall hung in the air as we attended to pressing needs and kept tight schedules.

But everything changed in an instant. The images of the burning World Trade Center towers and the Pentagon rocked us to the core, shaking our sense of calm and filling us with fear, confusion, and heartbreak. Instead of arguing about some partisan issue or another, we spent the day consoling our families, our constituents, and each other. The entire country grieved as one for those who had perished.

Our hearts were broken that day, but they were not destroyed. We witnessed a rebirth of sorts in this Nation, Americans young and old finding common ground in their grief and fear, united in ways we never expected. They gave of themselves sacrificially to meet the needs of others. Houses of worship were packed with people praying for those who had lost loved ones in the buildings or on the planes.

In the days following September 11, we were inspired by the stories of valiant first responders and heroic Americans who thought little of their own welfare as they rescued others and brought down hijacked planes. We owe them a tremendous debt of gratitude. Their actions gave us hope in the American spirit and resolve to ensure that something like this never happened again.

Five years have passed, and we have made great strides in securing our homeland and protecting the American people from harm. We have passed laws designed to prevent acts of terrorism.

□ 1830

Our law enforcement and intelligence communities have disrupted terrorist plots. Our brave men and women in uniform have taken the fight to the terrorists abroad so we don't have to fight on our Nation's soil. The American people have resumed their daily activities even while continuing to grieve and comforting those who still mourn.

Mr. Speaker, the terrorists who committed the heinous atrocities on September 11 thought they would break the American spirit and send us whimpering into the history books with our tails between our legs. They were wrong. We have acted and will continue to act decisively against anyone who preys upon the innocent and threatens our freedom. The heart of America beats strong of our good and compassionate people. We will not be silenced and we will not back down. May God continue to bless the United States of America.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the minority leader of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, 5 years ago on Monday, on the day the terrorists attacked our Nation, Members of Congress gathered on the steps of the Capitol and sang God Bless America. Many speakers today have referenced that moment, because I think it had a profound effect on all of us. We really did need God's blessing. We put aside partisanship to respond with one voice that we would do everything in our power to ensure that our Nation would be fully healed and fully safe, and that the American people would know that we were working hard to bring those who were responsible for 9/11 to justice.

Today, we should have embraced that same spirit of 5 years ago on the steps of the Capitol. The United States Senate did. This week, they passed a resolution which mourned the innocent victims of the attacks, consoled their families, praised our troops for their valor, underscored our resolve to find all of those responsible for the attacks and bring them to justice, and emphasized our commitment to stopping terrorists who would harm the American people. Democrats and Republicans alike in the Senate came together in support of that resolution.

I would have hoped that that could have come to the floor here. We were prepared to support that, Democrats were, but the Republican leadership refused.

Instead, the Republican leadership gave us a resolution here this evening which is self-congratulatory. It praises Congress, for some reason. Instead of having the focus on the innocent victims of 9/11, it talks about the accomplishments of this Congress. I can't even imagine why they thought that was a good idea. But since they opened the door to what they have done, they have opened the door to what they have not done.

Two years ago, the bipartisan, independent 9/11 Commission concluded that the American people were failed by their government on 9/11. To prevent future similar incidents and failures, the Commission made 41 recommendations. Last December, the same independent Commission issued a report card on the implementation of those recommendations. Sixteen grades that were awarded were either D's and F's, and others were incompletes. In May of this year, the Commissioners reviewed the record on implementation once again; their conclusion on the poor grades, no progress.

Two days ago, the Commission's chairman and vice chairman, Democrat and Republican or Republican and Democrat, wrote about the December report card in an op ed in the Boston Globe, and I quote: ''What we argued then is still true now; Americans are safer, but they are not yet safe.'' And concluded, ''Our sense of national urgency is lacking.''

Mr. Speaker, we have lost our focus on terrorism since the invasion of Iraq, and that is one of the chief reasons that the 9/11 Commission's report card reflected so poorly on the Bush administration and on the Republican Congress.

Our focus should have continued to be on Afghanistan. The war in Iraq is the wrong war. No matter how many times the President wants to say it, the war in Iraq is not the war on terror. The war in Afghanistan was. We had the opportunity to destroy al Qaeda in Afghanistan, and we missed the opportunity because we lost our focus. Instead, 5 years later, the Taliban is on the resurgence, violence

has increased, the poppy crop, the opium crop is all pervasive.

Think of this. Afghanistan now supplies 90 percent of the opium supply to the world. 90 percent. The increase in just the last couple of years is 50 percent. They went from 4,000 metric tons to 6,100 metric tons of cultivation. This is what is happening in Afghanistan:

A missed opportunity to crush al Qaeda, an increase in violence, a rising resurgence in the Taliban, and the increase in the poppy crop.

Mr. Speaker, let us use the occasion that we have as we consider this flawed resolution to resolve to do better. Let us honor the memories of the innocent victims of 9/11 attacks and their families by doing the unfinished business of the 9/11 Commission. We have heard about it all day, it is in the public domain, it was in their best selling book a couple of years ago, and we still haven't gotten it done.

Isn't it hard to believe and to know that 5 years after 9/11 we still do not have real-time, that means immediate communication, among police, fire, and other first responders. We paid a price for this with Hurricane Katrina. Five years later, we still do not have the screening at our ports that we should have; we are at 5 percent, we should be at 100 percent of screening. That is possible, it is affordable, and it is technologically available to us.

Five years after 9/11, we still do not have our borders secure. We have not mandated, because this Congress refuses to do so and this administration does, too, we still have not mandated the private sector to protect our nuclear and chemical power plants.

The list goes on of shortcomings. The 9/11 Commission said we should increase the pace of reform at the FBI. There are so many things that are lacking in what we are doing to protect the American people. The biggest threat to the security and safety of the American people is the proliferation of weapons of mass destruction, the unsafeguarded radioactive material that is out there. For about $10 billion, about a month in Iraq, we could buy up all of the known radioactive material that is out there that could fall into the hands of the terrorists. It is a lot of money. It is a small price to pay for the safety of the American people. And yet, for reasons that are hard to explain to anyone, we have refused over and over again to pass legislation that would appropriate the resources to do that.

Taking the actions to correct the unfinished business of the 9/11 Commission and others recommended by the Commission other than what I mentioned is consistent with the sacrifices of the people in New York and Virginia and Pennsylvania on 9/11, and the sacrifices made since then by the men and women serving in our Armed Forces. And God bless them. They have done a magnificent job for our country. We have to do better by them. We owe it to each and every one of them to do everything we can as quickly as we can to make America safe.

Mr. Speaker, it all comes down to the personal, now. Doesn't it? As we think back 5 years, we think about those families. Nearly 3,000 people were killed that day. Two thousand children lost their parents. The emotional toll is just incalculable. And yet, as our colleague Congresswoman MALONEY has pointed out, from New York, the heroes and heroines of 9/11, Congressman NADLER as well, are not having their needs met. It is the responsibility of government to meet the health care needs of the people who risked their lives, who went in there without even a thought of whether they would help save a life or not. And now, without a thought, their needs are ignored. We have an opportunity to do better by them. We owe them that obligation, because with all the talk that we can do about initiatives and proclamations and honoring and the rest, it all comes down to the people, to the personal, to the impact on their lives.

Of course we will vote for this flawed resolution. It could be better. But just because the Republicans decided that they wanted to praise themselves instead of focusing on the business at hand doesn't mean that we won't support it.

But as we vote for it, I call upon the Speaker of the House to bring to this floor before we adjourn for the elections legislation to enact the 9/11 Commission recommendations. We have all the time in the world to do it. Nothing is more important than the safety of the American people. We have no greater responsibility as elected officials than to provide for that public safety and the national security of our country, because nothing else matters if we don't protect the American people. Instead, we have ignored those needs. We are cutting the COPS programs so the neighborhoods are not safer. We are making matters worse. We have the opportunity to make matters better. If we do pass them, only then will we truly be honoring the memory of those who died. Only then will we truly be keeping our promise to their families that we will make America as safe as we can be.

I urge my colleagues to support this resolution today, but join me in bipartisanship. We can do this in a bipartisan way without controversy. The list is clear. The support is there. The need is urgent. I urge the Speaker once again to bring the 9/11 Commission's recommendations to the floor to make America safer, to bring some peace to the families of 9/11, and to bring to justice those who are responsible for those heinous acts 5 years ago.

Mr. DANIEL E. LUNGREN of California. I now yield 2 minutes to the distinguished gentleman from Nebraska (Mr. FORTENBERRY), a member of the Agriculture, International Relations, and Small Business Committees.

Mr. FORTENBERRY. Mr. Speaker, today we remember those who died tragically on September 11, 2001, and the family members who continue to mourn such terrible loss. We honor the strength of these Americans, and we also thank the brave men and women defending America today from those who continue to seek to do us harm.

Mr. Speaker, we live in a very special place. We live in a country that is built on the fundamental principle that all persons have inherent dignity and rights. The freedoms we enjoy depend upon this fundamental principle. And as many did in the aftermath of the 9/11 attacks, Americans are willing to risk their lives for the sake of their fellow citizens, for the good of the country, family, and community.

Last week, I had the privilege of formally welcoming home the soldiers of the 67th Area Support Group of the Nebraska National Guard as they all returned home safely from over a yearlong deployment. What a beautiful scene, families reunited, husbands and wives in loving embraces, children scrambling to meet the mom or dad they had known only through letters or photos for the past year, parents taking up young children in their arms perhaps for the very first time.

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In their commitment and patriotism, these soldiers had given more than a year away to family and home to serve their country. Many of our military service personnel will tell you that their service is driven by the events of that fateful day 5 years ago. They sacrifice so much personally to help protect our Nation.

Fortunately, there has not been another attack on America for 5 years. This is not due to wishful thinking. This is due to the extraordinary effort to rethink and reform our national security efforts. Our military, our homeland security forces, police officers, firefighters, and emergency first responders have all played a very important role in protecting our country.

Their work helps make America safer. Their sacrifice keeps our families more secure, and the compassion, resolve and support from the American people give their work all the more meaning and help keep our Nation strong.

We have faced difficult challenges of worldwide significance in the recent past: World War II and the Cold War. We prevailed then, and we must prevail now for the good of our country and the hope of a more peaceful world.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, 5 years ago there were a lot of questions as to who attacked us and why we were attacked. Answers came to that in fairly short order, but the question of why still remained and what those who attacked us had in order for us in the future.

In the book, ''Nuclear Terrorism,'' there is a citation to Osama bin Laden's official press spokesman

Suleiman Abu Gheith making a chilling announcement on the now defunct al Qaeda-associated Web site, and these are his words.

''We have the right,'' he said, ''to kill 4 million Americans, 2 million of them children.'' Let me repeat that. The spokesman for Osama bin Laden said on their Web site, ''We have the right to kill 4 million Americans, 2 million of them children, and to exile twice as many and wound and cripple hundreds of thousands.''

He went on the Web site to explain what justified it, and these are his words. ''America with the collaboration of the Jews is the leader of corruption and the breakdown of values, whether moral, ideological, political, or economic corruption. It disseminates abomination and licentiousness among the people via the cheap media and the vile curricula. America is the reason for all oppression, injustice, licentiousness, or suppression that is the Muslim's lot. It stands behind all the disasters that were caused and are still being caused to the Muslims; it is immersed in the blood of Muslims and cannot hide this.''

Why do I mention this? I mention it because the threat is clear. They have officially said that they would not feel that they have succeeded until they have taken 1,400 assaults similar to those of 9/11, because that is what would be required, 1,400 times the loss of life that we had on 9/11.

They do not refer to any cleavage between Democrats and Republicans. They do not say they do this because of what this administration did or that administration did or because of what the Democrats did in the Congress or the Republicans. They did that because they reject everything we stand for.

That is why we bring this resolution to the floor. This resolution is brought to the floor in recognition of the threat against us, the challenges it presents and what we have done working together, Republicans and Democrats, men and women who are Americans first to try and respond to that threat for ourselves, our children and our grandchildren.

We need to remind the American people of the affirmative steps that we have taken: the PATRIOT Act, which changed the way we dealt with the threat of terrorism; other programs that we have supported and the administration has carried out.

So this is not a fight over partisanship. This is not a suggestion of one-upsmanship. This is a recognition of the threat that faces us as Americans, and we are committed and united as Americans to respond to that.

That is what this resolution stands for. That is what it says. That is why we bring it to the floor, to ask all Members to support it so that we can show that there is unity in this body, not division, so that we can show that we understand the challenges that we face and that we are up to the challenges that face us as a Nation.

We can do no less than our parents' generation did in responding to the totalitarianism of their time as we respond to the totalitarianism of our time.

Mr. Speaker, this is not an effort to divide. It is an effort to unify. It is an effort to show the American people that we are together in this fight and we shall continue this fight.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, remembrance is a solemn obligation, a duty owed by every obligation to those whose honor, love and sacrifice light our way today. To the 2,996 souls who perished on September 11, we owe more than political rhetoric, more than annual ritual. They are remembered best, they live, not just what we say but in what we do to build a safer, more peaceful world.

So the resolution before us today rightly speaks of actions taken, and calls for all Americans to act in the generous, unified spirit born that deadly day. In calling for September 11 to be observed as a day of national service, we seek to build a living monument to all those who have died in the long simmering war that erupted onto our shores 5 years ago. Good done in their name has a special power against the evil we fight.

9/11 brought that evil home: to homes in New York, Pennsylvania and Virginia, and to shocked and grieving homes across our Nation. ''Hostilities exist. There is no blinking at the fact that our people, our territory, and our interests are in grave danger. With confidence in our Armed Forces, with the unbounding determination of our people, we will gain the inevitable triumph, so help us God.'' That was spoken the day after the attack on Pearl Harbor. President Franklin Roosevelt's words evoke the realism and optimism needed to meet our present peril.

As then, we are at war and no political difference or debate can detract from the heroic work done every day by the men and women of America's military. The 184 people who gave their lives at the Pentagon 5 years ago fought on an unexpected battlefield, but toiled until the end in loyal service to the national ideals, liberty and justice, to which we pledge allegiance each day in this Chamber. Let us pledge in their memory to honor and support all those who fight to defend America and advance freedom.

Unlike the last global conflict, this war is being waged surreptitiously, the enemy lurking among us in shadowy networks and across cyberspace. On 9/11 America's first responders got a bitter taste of this new era, but their valor and grit carried us all through that day and those that followed. In memory of their fallen comrades, let us pledge through this resolution to honor and support the work of the public safety and public health professionals who work every day to protect us from terrorist attacks.

This resolution is also an opportunity to renew the sense of urgency forged in the crumbling inferno of the Twin Towers. With each passing year, what looked hugely urgent after 9/11 tends to get smaller in the viewfinder as more current problems loom large. But while we lose sight of the threat, an enemy who relentlessly worked to transform airplanes into guided missiles is maniacally focused on other ways to harm us.

Distance from the tragedy of 9/11 has also allowed some politics to seep into our security equations. Our vulnerabilities are many, and always will be. There will always be risks and there will always be those eager to take advantage of them. To those seeking to exploit fears rather than build trust, the glass will always be half empty. But genuine security after 9/11 is not a static goal or measurement; it is a process and a mindset. If we stay alert, get good intelligence on the evolving threat, and take the prudent precautions we are willing to tolerate and able to afford without crashing the economy or terrorizing ourselves, we will be safe. It is more than luck there has not been another major attack since 9/11.

So we remember and we pray for the dead and their families, friends and colleagues. And, as we face the certain challenges of an uncertain future, we take solace in the ancient Hebrew lesson, ''There are stars whose light only reaches the earth long after they have fallen apart. There are people whose remembrance gives light in this world long after they have passed away. Their light shines in our darkest nights on the road we must follow.''

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, this has been an important discussion between ourselves. I feel better now that we have resolved to overlook those parts of this resolution that could be called congratulatory to the executive branch, to the Congress, to any parties.

We come together now to remember and memorialize once again the great contributions of those who served on the front lines and those who gave their lives and the families of those who died in this great tragedy of 9/11/01.

Mr. Speaker, it is in that spirit that we on this side yield back the balance of our time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, we yield the balance of our time to the gentleman from Ohio (Mr. BOEHNER), the distinguished majority leader.

Mr. BOEHNER. Mr. Speaker, let me thank my colleague from California for yielding the time, and today, the people's House has taken up legislation marking the 5-year anniversary of the terror attacks of September 11, 2001.

We remember the lives of the victims, the many moms, dads, children, grandparents, friends and neighbors,

and we honor the police officers and the firefighters, and we salute their bravery and the sacrifices of these rescue workers, the EMT personnel and first responders who were there that day.

We offer America's sons and daughters in uniform our deepest gratitude, many of them on the other side of the world sacrificing so much so very far away from home.

Words can hardly capture the magnitude of horror that we suffered on that Tuesday morning 5 years ago. Much like finding out about the bombing of Pearl Harbor or the assassination of President Kennedy, all of us remember exactly where we were when we first heard that multiple planes had attacked the World Trade Center and the Pentagon in a massive, elaborate and coordinated attack from terrorists.

On September 11, 2001, we came face-to-face with evil but it was not the first time. During the 1990s, enemies of freedom used terror and violence in futile attempts to intimidate the United States and other countries around the world in the cause of freedom.

On February 26, 1993, the first World Trade Center bombing killed six people and injured more than 1,000 others.

On June 25, 1996, the Khobar Towers bombing in Saudi Arabia killed 20 people and injured 372 more.

On June 7, 1998, the Kenya embassy bombing killed 213 people and injured some 5,000 others.

On June 7, the same day, our embassy in Tanzania was bombed, killing 11 people and injuring 68.

And then on October 12, 2000, the USS *Cole* was bombed off the coast of Yemen, killing 17 people and injuring 39.

What was our response? During the 1990s, world leaders looked up at the problem of radical Islamic terrorism, they looked up, they looked away, and they hoped the problem would go away. This reaction led al Qaeda and others to believe they could attack us repeatedly, indefinitely and with impunity.

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But they were wrong. On September 11, the terrorists targeted symbols of American strength and prosperity as an attack on our principles, our values, and our freedoms as an American people. Their aim was to shake our will and to intimidate our allies. But as the skies darkened over New York, Washington, and Pennsylvania, we made a simple vow: never again.

In a post-9/11 world, doing nothing is no longer an option. In a post-9/11 world, closing your eyes and hoping for the best is not an option. In a post-9/11 world, weakness in the face of evil is not an option.

Five years later, we have made significant progress in confronting those who would attack us again. When he addressed Congress in the days immediately following the attacks, President Bush said: ''Whether we bring our enemies to justice or bring justice to our enemies, justice will be done.'' We have done just that.

Unlike the previous strikes by al Qaeda against our embassies, the USS *Cole*, and so on, September 11 brought a broad and global response from the United States. Congress acted swiftly in approving the USA PATRIOT Act, legislation providing law enforcement with the tools necessary to prevent another attack. We have waged two conflicts, one in Afghanistan, another in Iraq, liberating more than 50 million people and crushing despotic regimes with links to terrorist activities and a thirst for weapons of mass destruction.

We have more work to do, but our progress has been steady, and it has been measurable. The U.S. Department of Justice has convicted 253 defendants on terror-related charges, and our intelligence agencies and law enforcement working together have disrupted more than 150 terrorist threats and cells here in America, including plans to attack targets on both coasts using hijacked aircraft and plans to blow up apartment buildings here in our country.

Just last month, British and American intelligence officials, using the sort of tools we provided President Bush, thwarted a plot to bomb multiple American airliners headed from London.

This resolution today affirms the commitment of Congress to remain vigilant in efforts to provide law enforcement and our Armed Forces with all the tools necessary to fight and win the global war on terrorism. We have engaged in dramatic efforts to secure our ports and borders, with legislation on the way that will provide more Border Patrol agents, additional fencing and surveillance, and enhanced State and local law enforcement authority.

The House will vote next week on legislation authorizing military tribunals for terrorists, such as the alleged September 11 mastermind, Khalid Shaykh Mohammad. We are designing a system that not only brings these terrorists to justice but gives the President the tools that he needs to continue preventing terrorist plots before they happen.

Prevention must be the standard and prevention must be our goal. No longer can we simply respond to attacks. We must actively engage the enemy and seek to disrupt and thwart their twisted plans. We must continue to adapt and move forward, we must not yield, we must not grow complacent, and we must not rest until this threat is vanquished.

September 11 revealed for all to see the ruthless barbarity of an enemy that wishes to end America's way of life. Most of the nearly 3,000 who perished were regular folks going about their regular business. Others were the first heroes of the war on terror, climbing the stairs to the Twin Towers to help evacuate trapped workers or administering first aid to those at the scene. All of them were victims of a radical and poisonous ideology that we must be eternally committed to defeating.

This is our defining task in the early years of the 21st century, crushing the deadly and poisonous ideology of radical terrorism, and freeing from tyranny the millions threatened with its bondage is an effort for which the United States and her allies are uniquely suited. We are the primary target of radical terrorists, the leader of nations, with the capability and the fortitude to wage a prolonged fight. In my view, we must not shy away, if only so our children and their children may live in peace.

One of the last lines in the ''Battle Hymn of the Republic'' goes: ''As He died to make men holy, let us live to make men free.'' I can think of no better tribute to those who perished in the merciless attacks of September 11 or in the 5 years since than to do just that: to live and to fight for the freedoms that we cherish and for which they have all given their lives.

Mr. DEFAZIO. Mr. Speaker, I rise today to discuss H. Res. 994, legislation commemorating the fifth anniversary of the September 11, 2001, terrorist attacks against our country.

I remember September 11, 2001, vividly. The weather in our nation's capital was warm and sunny. I was giving a speech on the House floor against privatizing Social Security. After I finished, the House clerk told me there had been a plane crash in New York. I asked what the weather was at the time of the crash. He said it was sunny and clear. I thought a crash in good weather was strange. I returned to the office in time to see the second plane hit the World Trade Center, and my office received a call from another congressional office saying there was smoke at the Pentagon. At that point, we knew our country was under attack. The Capitol Police then mandated the evacuation of the Capitol and all congressional office buildings.

I am profoundly grateful that the passengers aboard United Airlines Flight 93 bravely fought back, thinking of the safety of others, not of their own well-being. Their actions saved the lives of untold numbers of us who were in Washington, D.C. that day.

The resolution on the floor today appropriately honors those who lost their lives due to these heinous attacks. Thousands of husbands, fathers, mothers, wives, daughters, sisters, brothers, children, grandparents and others were lost on that day. We must never forget those individuals and their families.

The resolution before us today also appropriately honors the heroic actions and sacrifices of our men and women in the U.S. military and their families. I have had the privilege of visiting with our men and women in uniform, both here at home and in a war zone. I am continually awed by the professionalism, determination, and commitment of our troops.

I am also pleased that H. Res. 994 acknowledges the service and sacrifice of the first responders—emergency personnel, fire fighters, police officers, and others—who aided the innocent victims of the terrorist attacks. While these individuals humbly say they were merely doing their jobs that day, their selfless actions embody some of the best qualities of the American people.

The resolution congratulates the Congress and the President for various steps taken to improve the security of the American people in the wake of September 11th. Personally, I don't believe the self-congratulation is justified. While Congress has adopted some piecemeal improvements on the security front, al-Qaeda will not wait for us to make gradual improvements. Security must be improved today, not after the next attack

Aviation security is not what it should be. Security screeners need upgraded equipment. We need to deploy technology to detect plastic, liquid and gel-like explosives carried onboard planes. All cargo baggage carried on passenger planes must be thoroughly screened for explosives. We need effective countermeasures and international agreements to reduce the threat of shoulder-fired missiles. The arbitrary cap on the number of security screeners should be lifted.

A fully unified terrorist watch list that is electronically accessible to necessary federal and state officials for real-time searches must be put in place now.

Border security is still notably lacking, five years after 9/11. I voted in favor of the immigration reform legislation in the House that included a number of provisions to improve border security. I have also voted for a number of efforts to increase funding for the border patrol, technology to improve border security, and other immigration enforcement measures. Regrettably, too often, this Congress has prioritized tax cuts for millionaires over adequately funding border security.

Astonishingly, on the fifth anniversary of the attacks, America's police, firefighters, and emergency response personnel still lack the fundamental ability to communicate with each other by radio. Congress must increase funding to help states and local governments purchase essential equipment.

Our nation has 95,000 miles of coastline and 361 ports. Yet, the federal government will spend only $168 million on port security grants this year while spending $10 billion to develop a missile defense system that doesn't work and is irrelevant to the threat posed by al-Qaeda. Congress should increase funding for radiation detection equipment to screen every cargo container, beef up the presence of U.S. inspectors at foreign ports to inspect cargo destined for the U.S., and enhance the Coast Guard fleet.

Five times as many Americans travel on trains and transit each day as on planes, but less than one percent of the transportation security budget goes to non-aviation programs. Congress and the Administration should increase funding for passenger rail and transit security. A baseline level of security for the transit systems in the 50 largest metropolitan areas would cost $2 billion.

Most of the 20 tons of nuclear material at 130 facilities in 40 countries has no more security than a night watchman and a chain link fence. In 2001, a bipartisan commission recommended tripling funding to $3 million a year for programs to help secure nuclear materials around the world from terrorists.

Finally, I want to say that I am disappointed that H. Res. 994 contains a handful of whereas clauses of dubious accuracy.

For example, one clause implies a link between al-Qaeda and Iraq, and Iraq and the September 11th attacks. A variety of experts, including the 9/11 Commission, the CIA, the Senate Intelligence Committee, and others, most recently the President, have concluded there was no cooperation between Iraq and al-Qaeda on the September 11, 2001, attacks or anything else. It is also inappropriate to link Iraq to the global war against al-Qaeda. Iraq did not pose an urgent threat to our national security. Iraq did not have ties to al-Qaeda. Iraq had not attacked the United States, nor is there any evidence Iraq planned to attack us. Iraq did not have weapons of mass destruction, nor any delivery system capable of attacking us.

I supported the war against the Taliban and al-Qaeda in Afghanistan, and I continue to support military action against al-Qaeda. But, to use a resolution commemorating the anniversary of 9/11 to peddle discredited theories about Iraq in order to cover for the failures of the Bush administration in Iraq and justify the diversion of resources from the war against our real national security threat—al-Qaeda—does a disservice to the American people.

And, I think the inclusion of the PATRIOT Act in the list of legislation that has helped in the war on terror is questionable to say the least. The PATRIOT Act did make a few reasonable improvements in our ability to go after terrorists using new technologies. But it also contained provisions that do nothing to enhance our security while posing a significant risk to the freedoms and liberties of law-abiding Americans. It is for the latter reason that I opposed the bill.

A lot has been made of the PATRIOT Act supposedly knocking down a wall that prohibited cooperation between the FBI and the CIA. In reality, the so-called wall was not really a wall at all. It was not a legal barrier, it was a cultural one. The PATRIOT Act was not necessary to get the FBI and CIA to cooperate. A change in culture was. Even today, cooperation among intelligence agencies and law enforcement is not what it should be.

I will vote in favor of H. Res. 994 because I want to honor those I mentioned at the outset of my statement—those who lost their lives in the attacks, those who tried valiantly to save lives on that day, and our men and women in uniform. But, I want to state for the record that I disagree with some of the rhetoric in the resolution.

Ms. ESHOO. Mr. Speaker, today we join together to honor the nearly 3,000 people who perished in the heinous attach on our country five years ago. The images of that day remain vivid in our minds, as do the emotions we all felt—the shock the grief—as we realized that a handful of terrorists plotting halfway around the world were capable of destroying so many innocent lives on American soil. September 11, 2001, shattered the illusion that our homeland would always provide safe sanctuary from those who would do us harm.

Five years later, we also remember how the events of September 11 brought our country together. As we did after Pearl Harbor, American showed its true colors. After the twin towers fell, we put aside our political differences to unite behind a pledge to make our country safer and to track down and punish those responsible for the attacks. With the world on our side, we had a unique opportunity to marshal our vast resources to destroy the al Qaeda terrorist network for good.

We made a good start. At home, we moved quickly to tighten airport security and to reorganize our homeland defenses and intelligence infrastructure to close gaps that enabled the terrorists to use our own commercial airliners as weapons against us. Overseas, wording with our allies, our military tools the fight to al Qaeda and the Taliban, who had provided safe harbor to the terrorists and their training camps in Afghanistan for far too long.

Today, however, it is clear that we have failed to finish the job we needed to do. Instead of committing our forces to pursuing al Qaeda's leaders—including Osama bin Laden, who is still at large—we embarked on an unnecessary war of choice in Iraq that has squandered our resources and the world's goodwill without making us measurably safer.

Domestically, we've spent billions to secure our airports, but we've neglected the security of our ports and the cyber security of our technological infrastructure and communications network. Chronic underfunding and lax security standards have left our nation's ports and cargo containers a soft underbelly, and the President's ongoing failure to appoint an Assistant Homeland Security Secretary for Cyber Security has created a leadership void in this critical sector, leaving us vulnerable to a telecom disaster on the scale of an ''electronic Pearl Harbor.''

It's not too late to change course to do what must be done to prevail in the real war against terrorism.

We must recommit to finishing the job in Afghanistan, to fully funding our counterterrorism intelligence programs at home and abroad, to increasing the size of our Special Forces, to improving our human intelligence capability and to securing nuclear materials around the world.

Only then will we truly be able to say that we have fully honored those who lost their lives on September 11.

Ms. SOLIS. Mr. Speaker, five years ago, democracy and freedom were attacked when terrorists destroyed nearly 3,000 innocent lives in New York, Washington, and Pennsylvania. We mourn the passing of those taken too soon, celebrate the lives of the scores of volunteers and first responders who helped victims and their families, and vow to never forget the fateful day that changed the lives of millions of Americans. Today, Congress had an opportunity to do the right thing and remember September 11 without partisan motives or divisive tactics. Yet, H.R. 994 was motivated more by upcoming elections than honor and remembrance.

Today's 9–11 resolution to honor the victims and heroes of 9–11 includes controversial legislation which criminalizes immigrant families and strips Americans of those civil liberties which are the very fabric of our democracy. It links the thoughts and prayers for servicemen and women with efforts to deport the families of immigrant soldiers—many of whom are not U.S. citizens. The resolution also defends the practice of wiretapping—an invasion of privacy which neither Congress nor the courts have either expressly or implicitly approved and which undermines the right to privacy.

Debates about immigration and civil rights are important to the future and fabric of our country. America needs comprehensive immigration reform; policies which provide strong support for a more intelligent and realistic approach to controlling immigration, including enhanced border security, workplace and employer enforcement, and earned legalization for immigrants with a path to citizenship. But

an enforcement only approach, such as H.R. 4437, has failed in the pass and is doomed to fail again.

We need a new direction for America's security and there are several steps that Congress must take now to keep our country safe. We must guard against future attacks by implementing all of the 9–11 Commission recommendations, screening 100 percent of containers and cargo bound for the United States in ships and planes, and ensuring our first responders have the training, equipment and technology they need. Yet our Nation will be not become more secure by partisan resolutions endorsing failed immigration approaches and programs which threaten our civil liberties.

As we remember the past, we must look toward the future to ensure our Nation and our world is safer. We must, at the same time, protect that which makes America's democracy so great—our civil liberties, and lead the world toward peace through diplomacy. Five years ago, families, friends, and strangers joined together to care for the fallen. This resolution is an attempt to divide that spirit. As we move forward, let us not forget the spirit of community which we embraced that day and work together to bring peace for future generations.

Mr. WELDON of Florida. Mr. Speaker, I stand in strong support of this resolution. It is critical that we, as a Nation, remember what took place on September 11, 2001—a day when we ''woke up'' to the fact that we were in a war that had been declared against us years before.

September 11th of every year should be a day to remember those who were lost on that day. But September 11th should also be a day when we reflect and remember why we are engaged in this War on Terror. We must continue to fight—aggressively—to ensure the defeat of Radical Islamic terrorists whose aim is to kill Americans.

As we commemorate the 5-year anniversary of that awful day, our thoughts and prayers are especially with those who lost loved ones; the spouses, children, and parents who are left behind. For their sake, and the sake of all Americans, we must not allow the passage of time to erode our resolve to remain vigilant in the War on Terror so that Americans will not relive similar attacks in the future.

We, at home in the comfort and security of the United States, have become complacent in our security. That is a dangerous place to be. That is where we were for several years leading up to 9–11, when several terrorist attacks on the U.S.—including attempts on our homeland—took place. But our government failed to act with resolve.

We must remember what we felt the days immediately after 9–11 . . . when we all felt, for the first time for many of us, that we were not safe in our own country. The anthrax attacks, stories and rumors that al-Qaida possessed old Soviet suitcase nuclear weapons—those were the stories of the time.

Because of the Homeland Security measures we have implemented and the War on Terror we are conducting—both militarily and non-militarily—we are once again in a period of calm.

There are those who believe that this period of calm is the time to pull back, and this undermines our resolve. No one wants to live in a constant state of fear, but we cannot be lulled into adopting a September 10th mindset.

It would be irresponsible to assume or ''hope'' that no one wants to strike us, once again, and kill even more Americans than were killed on 9–11.

And kill us is what they want to do. They want to kill all the ''infidels''—a category that includes not just Americans, but people of all the world's free nations, and even Muslims who reject their militant vision for Islam. I fear that we have also lost the unity that existed after 9–11.

We must remember—whether in political or personal spheres of life—that we are all in this together. Whether Republican or Democrat, religious or atheist, we are all targets of this radical group.

And we must remember that it matters not whether we are fighting in Iraq—or any other country, for that matter—that makes us a target for the terrorists. Countries that have nothing to do with Iraq and Afghanistan are also experiencing terrorists incidents.

And while we are remembering the 5th Anniversary of 9–11, we must also remember that Iraq is a central part of the War on Terror.

President Bush is correct when he stated earlier this week in his address to the Nation that even if we pull out of Iraq, the terrorists would not leave us alone. They will never leave us alone.

For al-Qaida, Iraq is not a distraction, it is the central battlefield where the outcome of this struggle will be decided. Just read the comments from their leaders, don't take my word for it.

If they win in Iraq, they will establish a safe haven for terrorists and terrorist-training, much like Afghanistan was prior to 9–11. Iraq would become a factory for terrorists and weapons of mass destruction which they would export. This idea comes not from George Bush, but from Osama bin Laden and al-Qaida itself.

There is a clear link—withdrawing our troops before Iraq is fully stabilized would be a disaster for our safety here at home. We must remain vigilant at home, finish the job in Iraq and Afghanistan, and remain decisive in all our efforts in the War on Terror. Doing any less will weaken our security.

September 11th should remind us that we have real enemies in the world and that a September 10th mindset is unrealistic, irresponsible, and will only jeopardize the lives of the American people. We must remember that it was not the intention of the radical Islamic terrorists to kill 2,973 people that day in 2001. It was their intention to kill many, many more.

I will fulfill my oath of office to protect the American people from all enemies, foreign and domestic. Again, we must not allow the passage of time to erode our resolve to win the War on Terror.

On September 11, 2001 we finally woke up to the fact that we were at war . . . let's not be lulled back to sleep and back to disunity.

I urge the adoption of this resolution.

Mr. DINGELL. Mr. Speaker, I do not know if there is a more tragic day in the history of our Nation than September 11, 2001. Three thousand lives were snuffed out in the largest mass murder we have ever witnessed.

We are still grieving what was lost that day. The heroics of the fire fighters ascended the Twin Towers and the first responders who came to the Pentagon will never be forgotten. The passengers of United 93, who gave their lives to save ours, are heroes without parallel.

But I am saddened that the Republican leadership, rather than honoring the heroes and the victims of that day decided to offer a resolution that seems to be written by an RNC focus group rather than out of respect for the solemnity of the day.

When I woke up on September 12, 2001 this nation was as united as I had seen it since December 7, 1941. The intense partisan divide vanished overnight and was replaced by a national consensus. Political opportunism was replaced by notions of shared sacrifice for a common good.

Internationally, America had the world's sympathy. From London, to Tel Aviv, to Tehran spontaneous support rallies took place. American tourists spoke of hugs and flowers from complete strangers; in these days we had a chance to bring the world together.

Now we are more divided, more polarized, and more conflicted, at home and abroad, then ever before. The unanimity of purpose that we had on September 12 has been replaced by partisanship, and that partisanship has interfered with the very important work we must engage in to make this nation safe from terrorism.

Making America safe is work that cannot be reduced to simple slogans. Five years after however, Republican leadership has offered rhetoric but little more. We have yet to fully consider all of the bi-partisan recommendations of the 9/11 Commission. Our ports still do not inspect even ten percent of the cargo that comes into them; air cargo is unscreened; and nuclear material across the world remains unguarded.

In Afghanistan, the war with Al Qaeda and the Taliban is at risk of unraveling. Radicals are once again barring girls from schools; the reconstruction has stopped; and terrorists are targeting the elected government.

There have been victories, but much more needs to be done. Symbolic resolutions are a poor substitute for concrete policy. Our struggle to make America safe and to discredit the terrorist ideology will be a long one. It takes more than rhetoric.

It takes actions like fully funding our security needs; making sure our armed forces have the resources they need; supporting our intelligence agencies; and having a foreign policy that changes societies through good will and diplomacy rather than at gun point.

Our thoughts and prayers are with the families who lost loved ones that day and those Americans who continue to risk their lives for our safety here at home.

Mr. LARSON of Connecticut. Mr. Speaker, I rise to join my colleagues in marking the fifth anniversary of the September 11, 2001 terrorist attacks. Today we pause, as the nation did on Monday, to honor the brave Americans who lost their lives in New York, Washington, and Pennsylvania on that tragic day.

As we debate this resolution we cannot help but remember the chaos, fee and violence we faced 5 years ago. Terrorists struck the World Trade Center and the Pentagon, symbols of our economic and military strength, in an attempt to destroy our most basic freedoms and values. Yet, as we look back we also vividly recall that in the midst of the unprecedented horror of that day, we see the very best of America: Firefighters and first responders rushing into danger, airline passengers sacrificing themselves to save others, and Americans coming together in unity and common purpose.

It is in this spirit that we not only look back at the past five years but also look forward to

the difficult challenges ahead of us and the sober reminder that the terrorist threat against our nation is still very real. Last month's disrupted plot to attack airliners reminds us why it is even more important today that we rededicate ourselves to securing our homeland by fully implementing all of the recommendations of the 9/11 Commission and closing the gaps that still exist in our aviation, transit and port security. While there may be disagreement over whether or not we are safer today, we can all agree that much more needs to be done to protect and defend the American people.

The War on Terror that started on that fateful day five years ago is still far from finished. The threat posed by Al Qaeda and other terrorist organizations remains very real. Osama bin Laden and many of his allies are still at large, yet his trail has grown ''stone cold'' over the past two years and the CIA has shut down their unit responsible for tracking him. Afghanistan has become the forgotten front in the war on terror, pushed aside in favor of a war of choice against a country that posed no real threat to our nation and in which we find ourselves mired in a seemingly endless occupation. The Taliban, the former rulers of Afghanistan who supported Al Qaeda's attack on our nation, has grown again in strength as we have grown distracted by Iraq.

This is a time of great consequence for our nation. Unfortunately, slogans and partisan attacks have once again become substitutes here for serious debate on the national security challenges we face. This is clearly evident in the resolution before us, which contains divisive language designed to score political points instead of bringing this country together. As we move ahead, I hope that we can remember that which unites us as Americans and not which divides us as partisans.

Mr. BLUMENAUER. Mr. Speaker, H. Res. 994 states that America is safer today than it was on September 11th, 2001. This is hardly clear considering that the 9/11 Commission has given failing grades to how the government has responded to security needs.

Today, NATO lacks the troop strength in Afghanistan to combat the Taliban along the southern region. Today, we continue to fight a war of choice in Iraq longer than we have fought World War II. Today, 2,673 soldiers have died while our military continues to be stretched. And, today, Iran and North Korea continue to develop their nuclear technology unabated.

Here at home the situation is also troubling. Instead of debating any meaningful legislation for the American people, we spend our time debating things such as Horse Slaughter and Indian Gaming. We have yet to implement the 9/11 Commission's recommendations such as improving emergency communication technology that directly led to the deaths of many of our brave first responders on that sad day. Instead, the Majority party prefers to attempt to score some political points rather than doing the job the American people have sent us here to accomplish.

Today's resolution should have been a bipartisan effort to honor those who died and the family and friends they left behind. Sadly though, the Majority party has made it yet another day of divisive politics.

Mr. MICHAUD. Mr. Speaker, I rise today to remember the terrible events of September 11, 2001. On that day, murderers hijacked four planes. They flew two into the World Trade Center and one into the Pentagon. Only the heroic actions of the passengers of United Flight 93 prevented the fourth from reaching its destructive destination in Washington, DC. Nearly 3,000 innocent people lost their lives in these senseless acts of violence.

Today, I stand with all America, and much of the world, to mourn and remember that terrible day. We mourn our loved ones who are no longer with us, but we remember the courage of the firefighters, police officers and other first responders who rushed into burning buildings to save lives. We mourn our lost innocence and sense of security, but we remember the resolve of our Nation and the strength of our spirit. I stand with all America looking to the future for a united strategy to ensure the safety of our country and defeat of violent, radical ideologies that threaten our way of life.

At this moment, we should be working together. We should be searching for the unity that we felt after September 11th. Unfortunately, and unlike the Senate which earlier this week passed a bipartisan resolution that I support, the House Leadership decided to turn this most solemn of moments into a bid to score partisan points.

This resolution is a disappointing attempt to justify failed foreign policies that have not made our country safer. Five years later, world opinion towards us is overwhelmingly negative. The war in Iraq was based on inaccurate intelligence and incorrect assumptions about how successful our exercise in democratic nation-building can be. Al-Qaeda had no presence in Iraq before our invasion. The terrorist organization is now firmly entrenched carrying out murderous attacks, recruiting new members and gaining deadly combat experience. Iraq is stumbling towards civil war because of the mismanagement of the civilian leadership at the Pentagon.

We have not found Osama bin Laden and brought him to justice. Instead, our flawed foreign policy provides bin Laden and his followers with fertile ground for new terrorist recruitment and training.

We have failed to fully implement the recommendations of the bi-partisan 9/11 Commission. We have not done enough to secure our ports or major transportation networks. Thousands of tons of cargo arrive in the U.S. each day without being thoroughly examined. Our borders are porous and no real solutions to secure them have been reached.

Despite the great work and dedication of our first responders, intelligence community and military personnel, this government has failed to meet the challenges of making our nation secure. We have also not offered any help to firefighters and other first-responders, who so selflessly rushed to the aid of their fellow Americans, and now are suffering from respiratory ailments and post-traumatic stress. As Tom Kean, Co-Chair of the 9/11 Commission recently stated, ''We are not protecting our own people in our own country. The government is not doing its job.''

At such a solemn moment, we should make every effort to unite to overcome the challenges that we face from a very real and terrible enemy. The Senate drafted and unanimously supported a respectful, honest and appropriate resolution remembering one of the worst days in American history. I am disappointed that we could not do the same in this body.

Mr. STARK. Mr. Speaker, I rise in opposition to a misguided resolution that caters to partisan politics more than it honors the victims of 9/11 and the sacrifices of our brave men and women in uniform.

The fifth anniversary of a national tragedy should be a time for bipartisan unity. But rather than follow the example of the Senate Republican and Democratic leadership and introduce a 9/11 Anniversary resolution designed to bring America together, House Republicans insisted on a divisive and partisan resolution.

Unfortunately, H. Res. 944 praises both a Patriot Act that undermines the most basic of our civil liberties and a hateful immigration bill that makes the provision of humanitarian services to undocumented workers a crime. It goes on to wrongly characterize Iraq as a ''front line'' response to 9/11 and ineffectually attempts to equate the distinct wars in Iraq and Afghanistan as part of a single conflict.

I would have liked nothing more than to today vote to honor the selflessness and sacrifice many demonstrated on and after the attacks. I encourage Americans to make September 11 a day of national service. But I cannot vote for a politically charged resolution that celebrates policies my constituents and I vehemently oppose.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I come to the floor today to remember and honor the people who lost their lives in the September 11, 2001, terrorist attack.

The victims of September 11th came from all walks of life and each and every one of them is sorely missed by the friends, family, and this country.

I would also like to honor the many brave first responders and volunteers that selflessly rushed to help save lives during the attack, and everyone who has worked to help individuals, families, cities, and our whole country start to recover and heal in the months and years since September 11th 2001.

Today the House was supposed to bring up a bill to honor the victims of 9/11, and all those who helped to respond after the attack.

Instead, the Republican Majority has brought up H. Res. 994, a politically divisive bill. A bill which is more of an exercise in self-congratulation, than a solemn and respectful memorial. I regret to say it, the Majority has, once again, chosen to use this occasion to score political points, to drive a wedge between Americans by talking about politics, instead of bringing us together as we were on September 11th.

This is not a time for partisanship.

This is a time to come together to honor the people who gave so much on 9/11.

If we are going to use this occasion to talk policy, then we should be looking ahead. Talking about what we can do in the future to prevent another terrorist attack, like passing a law which implements ALL of the 9/11 Commission recommendations.

There is much left that needs to be done on that front:

We need to ensure that all cargo and people passing through our border are screened and accounted for.

We need a law to increase the security of our rail and mass transit systems to ensure that we do not experience an attack like the ones that occurred in Madrid, London, and Mumbai.

We need to ensure that our law enforcement agencies have interoperable communication so that they can respond quickly and work together to save lives during any incident.

Together, I am confident, that we can implement all of the 9/11 Commission recommendations and prevent future terrorist attacks. And if we do that, we will truly honor the memories of 9/11.

Mr. PAUL. Mr. Speaker, I rise in reluctant opposition to this resolution, as I strongly feel that we need to be careful about how we commemorate the tragic events of September 11,2001. Several times over the past four years I have voted in favor of these annual 9/11 resolutions because they simply commemorated the tragic event and urged our continued vigilance in an increasingly dangerous world. I believe using the event to promote particular legislation or foreign policies, however, denigrates the memory of those who perished in that attack.

Much of the legislation referenced in this legislation is legislation that I supported. For example, I voted in favor of the Border Protection, Anti-terrorism, and Illegal Immigration Control Act of 2005 and for the SAFE Port Act of 2006. I continue to support measures that help secure our borders and thereby make us less vulnerable to future foreign attack. However, I find it particularly unacceptable to heap praise on the PATRIOT Act, as this bill does. This act expanded the federal government's power to an unprecedented degree at the expense not of foreign terrorists, but of law-abiding American citizens. It opened average Americans up to wide-ranging government snooping and surveillance in matters completely unrelated to terrorism. For example, the ''sneak and peek'' provisions of the PATRIOT Act allow law enforcement to enter someone's home without a warrant, search that property, and never inform that citizen they had been there. Also, libraries and book stores can be forced to provide the government with citizens' borrowing and purchasing history without showing probable cause. I see no reason to applaud such an un-American piece of legislation.

Mr. Speaker, I believe we should show due respect the victims of the attacks of September 11, 2001. Congress patting itself on the back over legislation it has passed since then strikes me as disrespectful to those who suffered and continue to suffer from the attacks on New York and the Pentagon.

Mr. KIND. Mr. Speaker, I rise today in support of House Resolution 994, ''expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001.''

The terrorist attacks in New York and Washington, D.C. on September 11, 2001, were monstrous and cowardly acts that will be forever etched in our national memory. In remembrance of that tragic day, I wish to express my condolences, and the condolences of a mournful nation, to all those who suffered losses. Today, America again honors the courage and bravery of those who willingly risked their lives to save others and recognizes those dedicated men and women in service now, defending worldwide peace and security.

In the 5 years since the appalling acts of September 11th, our country has been fighting a global war on terrorism to protect America and our friends and allies. On July 22, 2004, the independent and bipartisan 9/11 Commission provided a full and complete report to Congress and the American public regarding the failures of the government and included 41 recommendations to improve homeland security. I praise the Commission for its excellent work, leadership, patriotism, and service to our country. We owe it to the families of the victims of 9/11 and to the citizens of our country to use the report to make certain such attacks never happen again. That is why I fully supported the unanimous and bipartisan recommendations of the 9/11 Commission and supported passage of H.R. 10 in December of 2004 to implement the recommendations of the 9/11 Commission. Almost 2 years have passed since passage of H.R. 10, and yet the President still has not fully implemented these recommendations.

In addition, despite the ongoing war in Iraq, I am very concerned that the main threat against the United States, al Qaeda, is still a global threat with global reach, and that the person who was directly responsible for 9/11, Osama bin Laden, is still at large. I believe the President has taken his eye off the ball in Afghanistan and is not doing everything in his power to bring those responsible for 9/11 to justice. It sends a terrible message to would-be terrorists who may be interested in striking us that all they have to do is go in hiding and lay low until our attention and resources are directed elsewhere.

Additionally, the big winners are countries with nuclear ambitions, like Iran and North Korea. Our message to the world during the Iraq and Afghanistan wars has been, if you have nuclear weapons we will not attack you, but if you do we will stay away. This sends the message to would-be terrorists that if they do not arm themselves, there is a potential for the United States to attack.

The President should have, with the support of the American people and international community which we enjoyed at the time, made it our mission to never rest, never sleep until those responsible for 9/11 were brought to justice. Instead, he diverted precious resources and personnel from Afghanistan and redirected them into Iraq. As a consequence, Osama bin Laden is still at large, the Taliban are reconstituting themselves, and al Qaeda remains a global threat.

Furthermore, last week NATO's top operational commander in Afghanistan, U.S. General James Jones, appealed for 2,500 more troops, saying the force was about 15 percent short of full strength. Once again, the President has failed to respond to a call from military commanders for reinforcements to try to quell the Taliban insurgency in southern Afghanistan, by denying the request for more troops. If as the President said on September 11, 2006, when speaking about bin Laden and other terrorists is true, ''Our message to them is clear: No matter how long it takes, America will find you, and we will bring you to justice.'' Then we should be sending in these additional troops to Afghanistan, not ignoring another plea from our military commanders.

On this solemn day, I again stand up to recognize our brave men and women that tragically lost their lives on that fateful day in September of 2001. I wish to show my deepest appreciation to our military men and women fighting terrorism around the world. I feel the best tribute we as a Nation can give them and their families is to redirect our focus to bringing those responsible for the attacks against us on September 11th to justice. The opportunity has not yet passed to make serious and thoughtful change and to ensure that another tragedy does not befall our Nation.

May God bless our men and women in uniform and their families during this difficult time. May God provide his special blessings and care for those who fell in the line of duty. And may God continue to bless these United States of America.

Mr. GALLEGLY. Mr. Speaker, I rise today to pay tribute to the nearly 3,000 innocent victims of the September 11 hijackers. It is only right that we remember September 11, its victims, and its heroes.

My East coast home is only a few blocks from the Pentagon. On that day I could see the black smoke billowing from its side, smell the acrid fumes of burning jet fuel, and hear the sounds of rescue and recovery. The smoke eventually faded, but the memory never will.

The United States is safer today than it was 5 years ago, but we are not safe. And we will not be safe until our enemies are defeated.

Just a month ago, British authorities, with help from United States intelligence agencies, stopped a plot to blow up numerous airliners flying from London to the United States. An al Qaeda tape released on the anniversary of September 11 warned of renewed attacks.

Our enemies are plotting constantly, and we must remain constantly vigilant.

Mr. Speaker, 5 years ago, we stood on the Capitol steps in a bipartisan show of strength and solidarity. We vowed then—and in the days, months, and years after—that cowardly thugs would not succeed in destroying our resolve to live in freedom and peace.

That resolve remains. There are honest disagreements about how to prosecute the war, but there is no disagreement that we will ultimately succeed.

We are Americans. We do not bow to terrorists.

The heroes who died in four planes and three buildings on September 11 will never be forgotten. May they forever rest in peace.

Mr. SHUSTER. Mr. Speaker, I rise in solemn support of this resolution

Five years after worst terror attack in U.S. history, the American people's steadfast support for the families and victims of 9/11 is a symbol of the perseverance that we, as a country, have maintained.

The memorial services held around the country on Monday were a sobering reminder of the horror we, as a nation, faced that day.

Ground Zero in New York, the Pentagon here in Washington, and Shanksville, Pennsylvania are sacred ground. I am proud to represent Shanksville, Pennsylvania in Congress—the heroes of Flight 93 did what all Americans hope and pray they would have the courage to do in the face of terror. They stood up for freedom and sacrificed themselves to save countless others. They were the first counter-attack in the War on Terror.

Flight 93 was believed to be headed for the Capitol that ill-fated day five years ago. Many of us here today may have been in mortal danger had it not been for the brave passengers on that flight.

I would like to thank the heroes of Flight 93 and their families for their sacrifice, for being the first line of defense against terror, and for showing the world our strength, our resolve and our courage as Americans.

My prayers are with the families of the victims of 9/11.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in support of H. Res.

994. This week, all Americans pause and remember the heroes of September 11, 2001. We honor their sacrifices, recall their courage, and pay tribute to their legacy. On that day five years ago, the strength of our nation was challenged and our resolve tested. The gallant actions of our fellow Americans showcased the resilience of our spirit and reinforced our ideals of life, liberty, and democracy.

The United States today is a nation far different than it was five years ago. We have come to recognize the dangers that hate and terrorism impose upon peaceful and freedom-loving people worldwide. We are better informed of terrorist threats and better organized to deter these dangers. Most importantly, we have learned that the Global War on Terror, this great struggle of our time, is a fight best waged on foreign soil, out of the reach of American streets, American neighborhoods, and American families.

As we pay tribute to the memory of September 11, 2001, Congress will take up several measures to ensure that our homeland is secure. These measures are designed to combat a new enemy that hides from sight, attacks the weak and unprotected, and uses innocent civilians as human shields. To prevent future terrorist attacks, we are working to disrupt terrorist activities internationally and domestically, including stopping terrorist networks and their financing schemes and securing our borders and critical infrastructure.

September 11, 2001 was a watershed moment in American history, when the defenders of freedom and democracy began the long struggle against fear and tyranny. Five years later, we pause as a nation to honor the memory of those who lost their lives that day and all those who have since made the ultimate sacrifice in the name of liberty. In addition, we honor the brave actions of all of our servicemembers during the War on Terror. Day in and day out, our military forces are making significant progress in weeding out violence and extremism, promoting peace, and training domestic security forces. Their actions have safeguarded life, liberty, and democracy for all Americans and prevented fear and violence from taking hold in America.

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in support of House Resolution 994, introduced by Homeland Security Committee Chairman PETER KING, observing the fifth anniversary of the September 11, 2001, terrorist attacks against the United States.

On September 11, 2001, we were brought face to face with an elusive and dangerous enemy. As the world watched, America responded to these heinous attacks with a united front. We could no longer pretend that our oceans protected us from evil. We were determined to find the terrorists and bring them to justice. We would leave no rock unturned.

While the face of America was strong, the hearts of America were heavy. Nearly 3,000 people lost their lives that fateful day. The families of those who lost loved ones continued to grieve, and America grieves with them.

Five years later, we must maintain our resolve to defeat extremism worldwide and protect American families here at home. I am grateful our family is participating in the Global War on Terrorism with four sons currently in the military and my oldest son, Alan, served for a year in Iraq knowing this is the central front of the War on Terrorism as proclaimed by Osama Bin Laden.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 996, the resolution is considered read and the previous question is ordered on the resolution and on the preamble.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 22, answered ''present'' 1, not voting 15, as follows:

[Roll No. 440]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—22

Baldwin
Blumenauer
Davis (IL)
Frank (MA)
Grijalva
Gutierrez
Hinchey
Honda
Kucinich
Lee
Lewis (GA)
Markey
McDermott
McGovern
McKinney
Michaud
Paul
Schakowsky
Scott (VA)
Stark
Watt
Woolsey

ANSWERED ''PRESENT''—1

Capuano

NOT VOTING—15

Davis (FL)
Evans
Harman
Johnson, Sam
Keller
Lowey
Moran (VA)
Ney
Nussle
Owens
Solis
Strickland
Watson
Weiner
Wynn

□ 1932

Mr. DAVIS of Illinois changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 440 on H. Res. 994—9/11 Resolution, I was unavoidably detained. Had I been present, I would have voted "nay."

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 114. Concurrent resolution providing for corrections to the enrollment of the bill S. 2590.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2590) to require full disclosure of all entities and organizations receiving Federal funds.

The Clerk read as follows:

S. 2590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Funding Accountability and Transparency Act of 2006''.

SEC. 2. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.

(a) DEFINITIONS.—In this section:

(1) ENTITY.—The term ''entity''—

(A) includes, whether for profit or nonprofit—

(i) a corporation;

(ii) an association;

(iii) a partnership;

(iv) a limited liability company;

(v) a limited liability partnership;

(vi) a sole proprietorship;

(vii) any other legal business entity;

(viii) any other grantee or contractor that is not excluded by subparagraph (B) or (C); and

(ix) any State or locality;

(B) on and after January 1, 2009, includes any subcontractor or subgrantee; and

(C) does not include—

(i) an individual recipient of Federal assistance; or

(ii) a Federal employee.

(2) FEDERAL AWARD.—The term ''Federal award''—

(A) means Federal financial assistance and expenditures that include grants, contracts, subgrants, subcontracts, loans, awards, cooperative agreements, purchase orders, task orders, delivery orders, and other forms of financial assistance;

(B) does not include individual transactions below $25,000; and

(C) before October 1, 2008, does not include credit card transactions.

(3) SEARCHABLE WEBSITE.—The term ''searchable website'' means a website that allows the public to—

(A) search Federal funding by any element required by subsection (b)(1);

(B) ascertain through a single search the total amount of Federal funding awarded to an entity, by fiscal year; and

(C) download data included in subparagraph (A) included in the outcome from searches.

(b) IN GENERAL.—

(1) WEBSITE.—Not later than January 1, 2008, the Office of Management and Budget shall, in accordance with this section and section 204 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note), ensure the existence and operation of a single searchable website, accessible by the public at no cost to access, that includes for each Federal award—

(A) the name of the entity receiving the award;

(B) the amount of the award;

(C) information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source, and an award title descriptive of the purpose of each funding action;

(D) the location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country;

(E) a unique identifier of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity; and

(F) any other relevant information specified by the Office of Management and Budget.

(2) SCOPE OF DATA.—The website shall include data for fiscal year 2007, and each fiscal year thereafter.

(3) DESIGNATION OF AGENCIES.—The Director of the Office of Management and Budget is authorized to designate one or more Federal agencies to participate in the development, establishment, operation, and support of the single website. In the initial designation, or in subsequent instructions and guidance, the Director may specify the scope of the responsibilities of each such agency.

(4) AGENCY RESPONSIBILITIES.—Federal agencies shall comply with the instructions and guidance issued by the Director of the Office of Management and Budget under paragraph (3), and shall provide appropriate assistance to the Director upon request, so as to assist the Director in ensuring the existence and operation of the single website.

(c) WEBSITE.—The website established under this section—

(1) may use as the source of its data the Federal Procurement Data System, Federal Assistance Award Data System, and Grants.gov, if all of these data sources are searchable through the website and can be accessed in a single search;

(2) shall not be considered in compliance if it hyperlinks to the Federal Procurement Data System website, Federal Assistance Award Data System website, Grants.gov website, or other existing websites, so that the information elements required in subsection (b)(1) cannot be searched electronically by field in a single search;

(3) shall provide an opportunity for the public to provide input about the utility of the site and recommendations for improvements; and

(4) shall be updated not later than 30 days after the award of any Federal award requiring a posting.

(d) SUBAWARD DATA.—

(1) PILOT PROGRAM.—

(A) IN GENERAL.—Not later than July 1, 2007, the Director of the Office of Management and Budget shall commence a pilot program to—

(i) test the collection and accession of data about subgrants and subcontracts; and

(ii) determine how to implement a subaward reporting program across the Federal Government, including—

(I) a reporting system under which the entity issuing a subgrant or subcontract is responsible for fulfilling the subaward reporting requirement; and

(II) a mechanism for collecting and incorporating agency and public feedback on the design and utility of the website.

(B) TERMINATION.—The pilot program under subparagraph (A) shall terminate not later than January 1, 2009.

(2) REPORTING OF SUBAWARDS.—

(A) IN GENERAL.—Based on the pilot program conducted under paragraph (1), and, except as provided in subparagraph (B), not later than January 1, 2009, the Director of the Office of Management and Budget—

(i) shall ensure that data regarding subawards are disclosed in the same manner as data regarding other Federal awards, as required by this Act; and

(ii) shall ensure that the method for collecting and distributing data about subawards under clause (i)—

(I) minimizes burdens imposed on Federal award recipients and subaward recipients;

(II) allows Federal award recipients and subaward recipients to allocate reasonable costs for the collection and reporting of subaward data as indirect costs; and

(III) establishes cost-effective requirements for collecting subaward data under block grants, formula grants, and other types of assistance to State and local governments.

(B) EXTENSION OF DEADLINE.—For subaward recipients that receive Federal funds through State, local, or tribal governments, the Director of the Office of Management and Budget may extend the deadline for ensuring that data regarding such subawards are disclosed in the same manner as data regarding other Federal awards for a period not to exceed 18 months, if the Director determines that compliance would impose an undue burden on the subaward recipient.

(e) EXCEPTION.—Any entity that demonstrates to the Director of the Office of Management and Budget that the gross income, from all sources, for such entity did not exceed $300,000 in the previous tax year of such entity shall be exempt from the requirement to report subawards under subsection (d), until the Director determines that the imposition of such reporting requirements will not cause an undue burden on such entities.

(f) CONSTRUCTION.—Nothing in this Act shall prohibit the Office of Management and Budget from including through the website established under this section access to data that is publicly available in any other Federal database.

(g) REPORT.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives an annual report regarding the implementation of the website established under this section.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) data regarding the usage and public feedback on the utility of the site (including recommendations for improving data quality and collection);

(B) an assessment of the reporting burden placed on Federal award and subaward recipients; and

(C) an explanation of any extension of the subaward reporting deadline under subsection (d)(2)(B), if applicable.

(3) PUBLICATION.—The Director of the Office of Management and Budget shall make each report submitted under paragraph (1) publicly available on the website established under this section.

SEC. 3. CLASSIFIED INFORMATION.

Nothing in this Act shall require the disclosure of classified information.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Majority Whip ROY BLUNT and I originally introduced H.R. 5060 to amend the Federal Financial Assistance Management Improvement Act of 1999 to require data with respect to Federal financial assistance to be available for public access in a searchable and user-friendly form. Our bill passed the House on June 21, 2006.

Today, we are taking up the Senate companion bill, S. 2590, introduced by Senator COBURN and Senator OBAMA, which would require Federal financial assistance data, as well as data about government contracts, to be available for public access.

This bill would require the Office of Management and Budget to create a Web site listing all grant awards and contracts in a manner that would be easily accessible and free of charge. In a nutshell, this is about information to taxpayers about how their hard-earned dollars are being spent. Each award or contract would have to be listed on the Web site within 30 days of enactment of this act. Currently, no such real-time disclosure is required to grant awards, and data that is available often is not timely.

Further, there is no central database of all entities receiving Federal funds, including the nearly 30,000 organizations that are awarded nearly $300 billion in Federal grants each year. In fact, several agencies have taken different approaches to publicizing information about grantees, and all too often little or no information is available online.

This legislation puts into place a framework that sheds light on the Federal grant process, allowing anyone with access to the Internet the ability to review and search financial assistance rewards. Sunshine, Mr. Speaker, is the best disinfectant. This legislation will provide greater transparency in the grant-making process and require continued improvement of the already existing, but inadequate transparency, in Federal contract awards.

I want to thank the gentleman from Missouri for recognizing the importance of this issue. I want to congratulate him on bringing this measure forward. I also want to thank our ranking member, Mr. WAXMAN, for reaching across the aisle to move this legislation forward in a timely manner.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, S. 2590 calls for the creation of a new searchable database of all Federal grants and contracts to be made publicly available on the Internet. This will require the Office of Management and Budget to develop a database that can be useful to individuals and organizations researching Federal grant funding. In addition, it should allow the public to better access information about the billions of dollars spent on Federal contracting.

I would like to highlight one important difference between this bill and H.R. 5060, which passed the House in June. The database created under H.R. 5060 was missing a key component, information about Federal contract spending. Contract information is essential to meaningful public oversight. As Federal contract spending increases, and from 2000 to 2005, it has soared by 86 percent from $203.2 billion to $377.5 billion. There is a vital need for the public to be able to track and understand this spending.

I want to thank Chairman DAVIS and Majority Whip BLUNT for reconsidering their position on the contract information issue and hope that our efforts today will make Federal contract information freely and easily accessible to the public.

I also want to commend the hard work of Senator COBURN and Senator OBAMA on this legislation. As Members of Congress, we have a responsibility to increase public understanding of Federal spending and public access to information about how taxpayer dollars are spent.

Currently, the public has access to a grants data system, the Federal Assistance Award Data System, that provides limited information about domestic grants. But this system is unwieldy and difficult to use. In addition, there is a publicly available database of contracts, the Federal Procurement Data System, FPDS; but it is too plagued with problems.

So, today, we try to improve on those systems. The key to success will be implementation. Without it, we will be where we are now, with poor access to information. If implemented properly, public oversight of Federal spending will, indeed, increase.

In closing, I must admit that I find it incredible that it has taken an act of Congress to make this information public. All of this information should be already available to the public. This is just one victory in our continuing fight for public access to government information.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he might consume to the gentleman from Missouri (Mr. BLUNT), who has had a lot to do with originating this bill in the House and helping us work out the details with the Senate.

Mr. BLUNT. Chairman DAVIS, thank you for yielding, and thank you for your great work on this bill.

Mr. Speaker, this week we are having a discussion in the House about earmarks and earmark reform. Yet there is another process in the Federal Government that, despite spending $300 billion a year, has almost no access as we stand here today. Each year the Federal Government gives out thousands of grants to various organizations and entities. All told, some 30,000 organizations a year receive grants. Yet there is no central system available to the public or even to the Congress to determine who is receiving these taxpayer funds and how they are being spent.

That is why Chairman DAVIS and I introduced, and in June the House passed, H.R. 5060 with the support of Mr. WAXMAN and Mr. DAVIS of Illinois. This was a bill to require a publicly searchable database of all Federal grants. Our colleagues in the other body, led by Senator COBURN and Senator OBAMA, passed a slightly different bill that established a similar but different database for grants and Federal contracts.

Last week we were able to collectively announce a final agreement representing the best element of both bills. Our agreement requires the Office of Management and Budget to establish a searchable Web site listing all recipients of Federal financial assistance such as loans and grants, as well as a separate database covering all contracts over the $25,000 reporting threshold.

This site will provide an invaluable tool enabling the Congress, the public, and the media to easily determine who is receiving taxpayer funds and doing business with the government. This information will be critical in uncovering wasteful spending and ensuring compliance with existing Federal laws.

There are numerous examples of wasteful government grants, such as millions of dollars spent with the National Institute of Mental Health to study what makes a meaningful day for college students, or to study how college students decorate their dorm rooms. There was even one example of a grant for $700,000 at the EPA where the grant was given without any knowledge, apparently, of what work was to be performed as a result of the grant.

The bill we are passing today will empower everyone with access to the Internet to begin reviewing the Federal

grants and other forms of taxpayer assistance to look for waste, fraud, abuse or just to simply know who, in their community, or in other communities they are aware of, are receiving these grants. This legislation will also help to ensure that Federal laws are adhered to by those receiving taxpayer funds.

Frequently, Federal law imposes various restrictions or requirements on Federal grantees. For example, the Congress has entities or has required that entities receiving funds under our Global AIDS Program have a firm policy opposing prostitution and sex trafficking.

Yet last year, the Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources uncovered that a USAID grantee was subcontracting taxpayer funds to, in fact, a pro-prostitution organization. Our bill required grantees to also disclose their subgrantees, thus making it easier to ensure compliance with important Federal policies, like those applicable to the Global AIDS Program.

□ 1945

This legislation will also ensure compliance with existing lobbying restrictions. The 1995 Lobbying Disclosure Act prohibits 501(c)4 organizations from receiving Federal grants and lobbying, even with their own funds.

The restriction has been difficult to enforce. The Inspector General for the EPA determined in 2004, for example, that for 5 years the Consumer Federation of America had spent some of the $5 million it received in Federal grants to lobby the government. A central database of entities receiving Federal grants would provide an important tool to ensure compliance with existing law.

It is my belief that this bill will provide important information to all Americans and serve as a powerful tool to improve how government spends precious taxpayer funds.

I want to thank Chairman DAVIS and Ranking Member WAXMAN for their assistance in moving this legislation forward, and in particular I want to thank the staff of the Government Reform Committee, particularly Ellen Brown, John Brosnan and Ed Puccarella, for their efforts.

I urge passage of this important legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve the balance of my time.

Mr. TOM DAVIS of Virginia. I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, I first want to thank our majority whip, the chairman of Government Reform Committee and Senator COBURN in particular for the way they moved this bill, introduced the bill and moved this bill through. We all realize that the government needs to be more transparent and we are working towards those directions.

But as you heard Mr. BLUNT mention earlier, our subcommittee, the one that I chair, had one of the more frustrating experiences. Chairman DAVIS, myself, many of the subcommittee chairmen in Government Reform's job is to do oversight over the executive branch, and it is very hard to get the data we need to do proper oversight.

We started in December, actually October 6, 2005, to ask USAID for some information on whether they were following congressional guidelines as far as a particular group and program that we had been tipped off may not have been following those guidelines. USAID at the meeting denied they were funding this organization.

We asked them for documentation. They said documentation didn't exist. My staff director, Marc Wheat, and our hard-working staff, dug up on Google in actuality documents that the State Department said didn't exist. We also had people from other agencies that leaked us documents. So they in effect came to us and told us a mistruth about what existed and didn't exist. They also buried it in subcontractors.

This organization, SANGRAM, had in fact been a high risk candidate already because they had publicly opposed having prostitution be illegal. They had written, We believe that when involuntarily initiation into prostitution occurs, a process of socialization within the institution of prostitution exists, whereby the involuntary nature of the business changes increasingly into one of active acceptance, not necessarily with resignation. This is not a coercive process.'' In other words, they believe prostitution is a legitimate form of a job.

Now, that is contrary to Federal law. But even though this group had taken that position and even though our government had let them participate, they had tried to disguise in the grant process who was getting the money. We had a case of an organization that went in to rescue some women from prostitution, and when they were rescued, this organization, funded with taxpayer dollars, contrary to U.S. law, went and took the women back into prostitution in Asia.

We cannot on the one hand be trying to get women out of prostitution, and on the other hand be funding it contrary to law. The fundamental problem here was we couldn't follow the grants.

The reason you need transparency and the reason we need transparency in the executive branch and the reason we need transparency in the legislative branch is so we can at least see where the money goes. Then you can debate with your politicians whether it is the right policy or the wrong policy. But when you can't find where the money goes, it is impossible to do responsible legislation and absolutely impossible to do responsible oversight.

I thank the chairman of the Government Reform Committee for making the executive branch be accountable as well, and for our leader and for the cooperation of the Democrats on this issue. This should be a bipartisan effort. Let the sun shine on all earmarks and let the sun shine on all grants.

Mr. Speaker, I rise in support of S. 2590, Federal Funding Accountability and Transparency Act. The database envisioned in this act will be a vital tool for creating a more open spending process.

As we all know, government spending is often an impenetrable web of confusion and dead-ends. Exactly who receives taxpayer money may be difficult to ascertain. In some instances, agencies cannot answer definitively if an organization receives taxpayer funding or not. Such messy records and bookkeeping would not be tolerated in the private sector. Furthermore, the government does not allow the private sector to keep such abysmal records. Establishing the database proposed in this bill will cut through this web and allow easy access to who receives money and for what purpose. The need for this type of system will help not only in area of earmarks, but also in the awarding of government grants and contracts.

The necessity of such a database is best illustrated by an exchange between USAID and the Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources. In my capacity as Chairman of the subcommittee, on October 6, 2005, I sent a letter to USAID seeking information about its funding of the pro-prostitution non-governmental organization called SANGRAM in violation of Public Law 108–25, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

According to an unclassified State Department memorandum obtained by subcommittee staff, Restore International, an anti-trafficking NGO that works with law enforcement agencies in India, was ''confronted by a USAID-funded NGO [SANGRAM] while the former attempted to rescue and provide long-term care for child victims of sex trafficking. The confrontation led to the release of 17 minor girls—victims of trafficking—into the hands of traffickers and trafficking accomplices.'' According to this memorandum, SANGRAM ''allowed a brothel keeper into a shelter to pressure the girls not to cooperate with counselors. The girls are now back in the brothels, being subjected to rape for profit.''

On November 16, 2005, a USAID briefer asserted to Government Reform Committee staff that USAID had ''nothing to do with'' the grant to the pro-prostitution SANGRAM, and that the Committee's inquiries were ''destructive.'' The Subcommittee is now in possession of documents that demonstrate that USAID must provide a revised briefing to Congress on its true role.

These documents prove that USAID money financed the pro-prostitution SANGRAM through a second organization named Avert, which was established with the assistance of four USAID employees as a pass-through entity. USAID has held the ex-officio Vice Chairmanship of Avert since inception.

According to these documents, the USAID board member of Avert voted twice to award funding to SANGRAM (July 27, 2002 and again on December 3, 2004), the last time

being some 18 months after the provisions of Public Law 108–25 prohibited taxpayer funding of pro-prostitution groups like SANGRAM.

That SANGRAM was a high-risk candidate for not complying with Public Law 108–25 should not have been a surprise to USAID. SANGRAM was a cosigner, along with many other high-risk candidates, of a May 18, 2005 letter to President Bush opposing the anti-prostitution pledge. Subcommittee staff found posted on a USAID-sponsored Web site, a 5-year-old report from SANGRAM that states: "We believe that when involuntary initiation into prostitution occurs, a process of socialization within the institution of prostitution exists, whereby the involuntary nature of the business changes increasingly into one of active acceptance, not necessarily with resignation. This is not a coercive process."

I agree with President Bush that "It takes a special kind of depravity to exploit and hurt the most vulnerable members of society. Human traffickers rob children of their innocence; they expose them to the worst of life before they have seen much of life. Traffickers tear families apart. They treat their victims as nothing more than goods and commodities for sale to the highest bidder." It is inconceivable that an organization like SANGRAM could have received funding from the American taxpayer had USAID put in place an adequate management system to carry out Public Law 108–25.

On December 13, 2005, a large briefing team from the Department of State and USAID met with staff from the Subcommittee I chair concerning this matter, in order to demonstrate ownership of the problem and to layout corrective measures being taken. To my dismay and astonishment, the briefers were not prepared to discuss (and exhibited little knowledge of) the pass-through entity known as Avert that USAID established and which served as the mechanism whereby NGOs in India were monitored and financed with American tax dollars. Subcommittee staff knew more than the State/USAID briefing team about this matter thanks to Google searches on the web for critical documents that had not been provided to the Subcommittee by the Administration.

In the months since that December 13 appeal was made for an electronic registry, the Subcommittee request has inspired two pieces of legislation: first in the other body, and the second we are debating here today. This scandal of financing pro-prostitution groups by USAID was highlighted by the authors in both chambers as illustrating the need for this legislation.

I urge the swift passage of this legislation. If we are going to continue to spend tax-payer money, the American people deserve to know how it is being spent and by whom. Flagrantly disgusting examples of the misuse of taxpayer funds must be made known and eliminated.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will close by just simply saying that I don't believe that we can overemphasize the importance of transparency in government, and especially as it relates to contracting. I would urge passage of this legislation. I am proud to be a cosponsor of it.

Mr. WAXMAN. Mr. Speaker, the bill we are considering today, S. 2950, requires the Office of Management and Budget to create a searchable database of federal grants and contracts accessible to the public on the Internet. I am pleased to support this bill.

In June, the House considered a watered down version of this bill, H.R. 5060. The House bill included only grants, leaving out hundreds of billions of dollars in annual spending on federal contracts. At the time, I urged Chairman DAVIS to work with me to include contract disclosure in the legislation.

The bill before us today is stronger and more comprehensive than the bill passed by the House in June. While the House bill covered only grants, the database created under this legislation will include all federal grants and contracts. If this bill is implemented properly, any citizen with Internet access will be able to examine a comprehensive set of records for information about federal spending. For each grant or contract awarded, the database will include details about the recipient of the award, as well as the amount of the award, the purpose of the funding action, and other relevant information.

There has been considerable confusion about what this bill does and does not do. The information that this bill requires to be posted on the Internet is not secret. In fact, there are existing databases that are accessible to Congress and the public that are already required to include the information covered in this bill.

Under current law, for example, there is a federal procurement database maintained by the General Services Administration. This database, called the Federal Procurement Data System, is required to contain significant amount of information about each federal contract.

Similarly, there is a grants database maintained by the Census Bureau, the Federal Assistance Data System, which collects information about domestic financial assistance awards. In addition, grants.gov and various databases maintained by individual agencies, contain some of this information.

But these databases don't always contain the information that they are supposed to contain. They aren't always kept up to date. And they can be difficult to use.

In essence, what this bill does is require that these existing databases be compiled into a new database that is more organized and more accessible.

Ordinarily, I would not be in favor of legislation that requires the government to spend money repackaging data that is already in existence. But this bill is an exception. The current state of the existing databases is so poor that Congress is justified in passing new legislation.

Ultimately, implementation will be key to the success of this bill. If the administration is not committed to making the legislation work, all we will get is another incomplete and hard-to-use database. My hope is that by passing this bill with broad, bipartisan support, we are sending a signal to the administration that it needs to do a better job.

Members of Congress from both parties and both the House and Senate have worked hard to make this bill a reality. I want to compliment Senator OBAMA and Senator COBURN, in particular, for their leadership. They put aside partisanship to forge the bill we are considering today. I also want to thank Chairman DAVIS for agreeing to expand the scope of this bill to cover contracts.

The legislation we are passing today is not comprehensive reform; it will not restore honesty and accountability in government. It's a modest, bipartisan step in the direction of open government. But in the climate we're currently in, even a small step forward is worth supporting and celebrating.

I urge support of this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I urge all Members to support the passage of S. 2590.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the Senate bill, S. 2590.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

CORRECTING ENROLLMENT OF S. 2590, FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 114) providing for corrections to the enrollment of the bill S. 2590, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 114

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill S. 2590, the Secretary of the Senate shall make the following corrections:

(1) In section 2(a), strike paragraphs (2) and (3) and insert the following:

"(2) FEDERAL AWARD.—The term 'Federal award'—

"(A) means Federal financial assistance and expenditures that—

"(i) include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

"(ii) include contracts, subcontracts, purchase orders, task orders, and delivery orders;

"(B) does not include individual transactions below $25,000; and

"(C) before October 1, 2008, does not include credit card transactions.

''(3) SEARCHABLE WEBSITE.—The term 'searchable website' means a website that allows the public to—

''(A) search and aggregate Federal funding by any element required by subsection (b)(1);

''(B) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(i), by fiscal year;

''(C) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(ii), by fiscal year; and

''(D) download data included in subparagraph (A) included in the outcome from searches.''.

(2) In section 2(b)(1), strike ''section and section 204 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note),'' and insert ''section, section 204 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note), and the Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.),''.

(3) In section 2, strike subsection (c) and insert the following:

''(c) WEBSITE.—The website established under this section—

''(1) may use as the source of its data the Federal Procurement Data System, Federal Assistance Award Data System, and Grants.gov, if all of these data sources are searchable through the website and can be accessed in a search on the website required by this Act, provided that the user may—

''(A) specify such search shall be confined to Federal contracts and subcontracts;

''(B) specify such search shall be confined to include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

''(2) shall not be considered in compliance if it hyperlinks to the Federal Procurement Data System website, Federal Assistance Award Data System website, Grants.gov website, or other existing websites, so that the information elements required by subsection (b)(1) cannot be searched electronically by field in a single search;

''(3) shall provide an opportunity for the public to provide input about the utility of the site and recommendations for improvements;

''(4) shall be updated not later than 30 days after the award of any Federal award requiring a posting; and

''(5) shall provide for separate searches for Federal awards described in subsection (a) to distinguish between the Federal awards described in subsection (a)(2)(A)(i) and those described in subsection (a)(2)(A)(ii).''.

(4) Add at the end the following:

''SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE REPORTING REQUIREMENT.

''Not later than January 1, 2010, the Comptroller General shall submit to Congress a report on compliance with this Act.''.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

THOMAS J. MANTON POST OFFICE BUILDING

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6033) to designate the facility of the United States Postal Service located at 39–25 61st Street in Woodside, New York, as the ''Thomas J. Manton Post Office Building''.

The Clerk read as follows:

H.R. 6033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THOMAS J. MANTON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 39–25 61st Street in Woodside, New York, shall be known and designated as the ''Thomas J. Manton Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Thomas J. Manton Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6033, offered by the distinguished gentleman from New York (Mr. CROWLEY) would designate the post office building in Woodside, New York, as the Thomas J. Manton Post Office Building.

Mr. Manton passed away in July of this year. The attendance of over 800 people at his service was a testament to his lasting impact as a public servant and friend to the New York community.

His history of public service began with his time in the Marine Corps and continued until his final day as Chair of the Queens County Democratic Organization. He also worked as a New York City police officer while simultaneously attending law school, and in 1970 he began the first of what would be 14 years as a New York City Council Member. In 1985, he was elected to Congress, where he served his country and constituents until 1999.

A steadfast advocate of diversity, Mr. Manton balanced the needs of the people from multiple backgrounds with heartfelt understanding and great compassion. His constituents remember him as a humanitarian and advocate who was never too busy to return a phone call or share his time.

With gratitude for his devotion and service to our country, I would ask all Members to join me in supporting H.R. 3063.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the sponsor of this resolution, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank my friend and colleague for yielding me this time.

Mr. Speaker, I rise, and it is an honor for me to rise this evening, in support of H.R. 6033, legislation, as duly noted by my friend Mr. DAVIS, to designate the facility of the United States Postal Service located at 39–25 61st Street in Woodside, New York, as the Thomas J. Manton Post Office Building.

I want to first extend my sincere thanks and gratitude to Chairman TOM DAVIS for his expediting this legislation to the floor. As was mentioned, Tom Manton died only recently, at the end of July, and to have this bill on the floor as quickly as we have, I owe a great deal of debt to TOM. Thank you, Mr. DAVIS, for your work on this.

I also want to thank the ranking member, Mr. HENRY WAXMAN, again a gentleman who saw fit to move this legislation quickly; the majority leader, JOHN BOEHNER, as well and his office. In particular I want to thank Denise Wilson of the Government Reform staff as well for her helping move this forward. I want to thank our leader, NANCY PELOSI, and Chairman BARTON and Ranking Member JOHN DINGELL for their help in moving this expeditiously to the floor.

I also want to thank all my colleagues from New York who unanimously supported this renaming, but particularly I want to thank the dean of our delegation from Long Island and Queens County, Representative GARY ACKERMAN, as well as CAROLYN MALONEY, NYDIA VELÁZQUEZ, GREG MEEKS, ANTHONY WEINER, and, of course, we can't forget the dean of the New York delegation, CHARLIE RANGEL, but all New Yorkers, with the support of both Democrat and Republican, without cause. NITA LOWEY, for her work and for all their friendship with Tom Manton and their kind words back in July when this House recognized his passing.

I appreciate that. My constituents certainly appreciate that as well. I know that the Manton family, in particular Diane Manton, is very appreciative of the honor that we bestow upon her late, great husband, former Congressman Tom Manton.

Many of my colleagues in Congress are familiar with the exemplary service of former Congressman Tom Manton because you served with him. But for those who don't recall, he served with honor and distinction in the United States House of Representatives from 1984 to 1999. He replaced the then legendary former Congresswoman Geraldine Ferraro.

Before that, Tom Manton came from humble Irish American roots. He loved his country, America, and certainly loved his ancestral homeland of Ireland as well, and that was reflected in the community he grew up in. Woodside, New York, was and still remains a

community that has an Irish flavor to it.

Tom Manton served the City of New York first as a member of the New York City Police Department. He had worked for a time for IBM and there had been some discussion at one time that he sold computers for IBM. Let me just make it perfectly clear. When Tom Manton worked for IBM, computers were bigger than this room. He did not sell computers for IBM. I think it was he sold typewriters for IBM. It is important to make that distinction.

But after that he had gone to law school at St. John's and he graduated and ran for the New York City Council and served there with distinction for 15 years before coming on to serve here in the House of Representatives.

As I mentioned before, the neighborhood that this Post Office is located in, if you took a dart and threw it at the map of New York City and you hit bullseye, you would be right in Woodside-Queens, New York, as I mentioned before, a community that is known for its Irish American community and one of the still largest concentrations of Irish American immigrants in our Nation today. Woodside is also my hometown, my home neighborhood.

It is also very diverse. It is a multiethnic neighborhood, and an ever-changing part of my district, as it was for Tom Manton, and is often the first stop for new immigrants to our great country.

While we may hear less Irish and Italian accents and more Turkish, Bengali, Hindi and Spanish in local stores, the neighborhood of Woodside is as vibrant today as it was when I was a young child and it was when Tom Manton served as its legislator.

Naming this Post Office after Tom Manton, again, the son of Irish immigrants, who rose to serve in these hallowed halls, is a perfect reminder to that potential that exists for all immigrants and their children today in the United States that it is as unlimited as it was for Tom Manton and as it was for his parents to see him become a Member of Congress, as it is for my parents to be here to see me become a Member of Congress and for previous generations.

I want to thank all my colleagues again for their expediting this legislation. Tom Manton was more than my predecessor. He was my counsel, he was my mentor, and, more importantly, he was my friend. For you to recognize him in this way and in such a manner does more in many respects to my own heart, and I really appreciate this.

Again, on behalf of the Manton family, and in particular Diane Manton, his wife, and his children and his grandchildren and the people of the Seventh Congressional District, in particular Woodside, I thank this entire Congress for its unanimous support for renaming this Post Office after Tom Manton.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my friend for his very moving words. This is a tough partisan area right now, we even argued over a 9/11 resolution a minute ago, where partisanship sometimes gets in the way of other things.

Even though Tom Manton was a strong Democrat and a Democratic leader, he never let his partisanship get in the way of getting good results for his constituency and for the country. So this is a fitting memory to his legacy that he leaves here, and I join you. He was our friend on this side of the aisle as well.

Tonight we moved this quickly, Republicans and Democrats, in his honor, because of the great man that he was. I thank my friend for introducing the resolution.

Mr. Speaker, I have no other speakers at this moment, so I yield back the balance of my time.

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Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Government Reform Committee, I am pleased to join my colleagues in consideration of H.R. 6033, which names a postal facility in Woodside, New York, after the late Thomas J. Manton, former Member of Congress, who represented the Seventh Congressional District of New York.

I know that Representative CROWLEY has spoken eloquently about all of the exploits and all of what Representative Manton meant to New York. I know that there were a number of other New Yorkers who had intended to be here and probably were not able to make it. I know that Representative CAROLINE MALONEY had intended to be here and Representative NITA LOWEY had intended to be here, because they had indicated that they too wanted to express their appreciation for the tremendous and outstanding service that was indeed provided. And so just on their behalf and on behalf of all of the others who would want to have expressed themselves and could not, I would join with Representative CROWLEY and Chairman DAVIS in urging swift passage of this bill as we honor the life and the legacy of a true American and a great friend to all, Representative Thomas Manton.

Mr. OXLEY. Mr. Speaker, today I rise in strong support of H.R. 6033, the Thomas J. Manton Post Office Building Designation Act. The legislation would designate a United States Postal Service Office in New York as the Thomas J. Manton Post Office Building.

Thomas Manton served this country with honor and integrity. He was a true public servant.

His distinguished public servant career includes: serving in the military, police officer with the New York City Police Department, serving in the New York City Council and being a Member of Congress representing the people of New York's 7th congressional district. Thomas Manton always fought for the people he represented and New Yorkers are better off because of his work.

I am honored to have worked with Thomas Manton while he was in Congress. We were both members of the Energy and Commerce Committee, and he was ranking member on the Subcommittee that I chaired. We sat through many long hearings together.

Throughout his life he approached his work with integrity. The dedication in Thomas Manton's honor will preserve his legacy and remind his constituents of his long and distinguished public career.

I urge my colleagues to vote "yes" on this legislation.

Mr. ACKERMAN. Mr. Speaker, I rise today in support of H.R. 6033, a bill that would designate the United States Postal Service facility at 39–25 61st Street, in Woodside, Queens, New York City the "Thomas J. Manton Post Office Building." It is more than fitting that a federal facility will be named after Tom in a community that he so ably represented for so many years.

Tom lived a life seemingly from a movie script: a son of Irish immigrants; educated at St. John's University; earned his law degree at night from St. John's; Marine Corps Flight Navigator; New York City Police Officer; New York City Councilman from Queens; Member of Congress; and Queens County Democratic Chairman. Tom Manton's life was a perfect realization of the American Dream, and having achieved the American Dream himself, Tom always worked to ensure that everyone, native born and immigrant alike, had the opportunity to live the American Dream as well.

When Tom Manton became Chairman of the Queens County Democratic organization, he immediately revitalized a local party beset by front-page problems and the loss of public trust. Tom turned the party organization around while at the same time insisting on increasing its diversity to reflect the borough of Queens. Tom recruited and helped numerous political candidates from different ethnic backgrounds. As a result of Tom's hard work, discipline, and commitment, the Queens Democratic Committee is currently one of the strongest party organizations in the country.

In Congress, Tom was a tireless advocate for the people of New York. On the Committee on Energy and Commerce, Tom worked to help his constituents by bringing jobs and opportunity to his congressional district. Like many others, I turned to Tom for advice and guidance and found him to be a stand-up guy, the real deal. His word and handshake was his bond. Tom characteristically worked quietly behind the curtain, rather than grandstanding in front of the cameras. So, he might be a little embarrassed about having a federal facility named after him. But, Tom also believed in our government, and its ability to help each of us achieve our dreams of prosperity and justice for all Americans.

Mr. Speaker, Tom Manton's life of hard work, perseverance, and selflessness brought integrity and dignity to public office. It is appropriate that we pay tribute to his memory by naming this post office in Woodside, Queens in his honor. I urge my colleagues to support H.R. 6033.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 6033.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

APPOINTMENT OF CONFEREES ON H.R. 2864, WATER RESOURCES DEVELOPMENT ACT OF 2005

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2864) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. MELANCON

Mr. MELANCON. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Melancon moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2864 be instructed to agree to provisions that will provide protection to communities located in the coastal area of Louisiana and Mississippi from the storm surge of a category 5 hurricane.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Louisiana (Mr. MELANCON) and the gentleman from Tennessee (Mr. DUNCAN) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. MELANCON. Mr. Speaker, I yield myself such time as I may consume.

I come here today in support of building a comprehensive hurricane protection system for the gulf coast. For years we in Congress have focused on various wants for our constituents. Today we have the opportunity to focus on the Nation's needs.

Earlier this year, I introduced in Congress the Meeting Authorization Requirements for Our Coast, or MARC, Act. This legislation would have authorized a comprehensive hurricane protection system for the gulf coast. Today's motion is a continuation of that effort.

Building a hurricane protection system that can protect our coastal citizens and businesses from category five hurricanes is the most important need in the U.S. Gulf Coast States. In Louisiana alone there are currently 200,000 people that have no protection, zero, from the next deadly hurricane. If Hurricane Katrina hit Louisiana just a few miles to the west, the devastation would have been like nothing you have seen on TV, and building a category five hurricane protection system will save the lives of these people in future events.

But a comprehensive hurricane protection system is also vital to supporting and safeguarding our Nation's energy supply. Louisiana has a long and distinguished history of oil and gas production, both on and offshore. Among the 50 States, we are first in crude oil production, second in natural gas production, and second in total energy production. Currently, approximately 34 percent of the Nation's natural gas supply and almost 30 percent of the Nation's crude oil supply is either produced in Louisiana, produced offshore Louisiana, or moves through the State and its coastal wetlands. Together with the infrastructure in the rest of the State, this production is connected to nearly 50 percent of the total refining capacity of this entire country.

Based on its energy-producing value to the Nation, acre for acre, Louisiana is the most valuable real estate in the Nation. Louisiana has 17 petroleum refineries, most of them large, world-scale facilities. These refineries have a combined crude oil distillation capacity of approximately 2.77 million barrels per day, which is 16.2 percent of the total U.S. refinery capacity of 17.1 million barrels a day, the second highest in this Nation. Two of the four Strategic Petroleum Reserve storage facilities are in south Louisiana along our coast. Just last week Chevron announced it discovered a deepwater oil and gas field off Louisiana's coast that could account for as much as 50 percent of our Nation's known reserves. The field would be largely serviced by Louisiana ports, ports that remain highly vulnerable. Louisiana is crucial to all parts of America because of its working ''energy coast,'' and we need your help.

Supporting our Nation's energy needs has come at a price. In the past century, Louisiana has lost 1.2 million acres of coastal wetlands and barrier islands and stands to lose hundreds of thousands more acres if measures to stop the loss are not taken. That is a football field of land every 38 seconds along our vanishing coast. Without this protected buffer, Louisiana's people, businesses, and energy infrastructure are much more vulnerable to storm surges and hurricane-related flooding.

Comprehensive hurricane protection combined with coastal restoration will offer truly adequate hurricane protection necessary to protect the lives of over 2 million residents, over 50 percent of the State's population, and the entire infrastructure that supports our Nation's energy needs.

Some of my colleagues might question the cost of a comprehensive hurricane protection system. In response I say that you can pay now or you can pay much higher later. You can pay to build a category five protection system today or you could pay later with a disrupted national energy supply, ruined businesses, lives lost, and hundreds of billions of dollars of recovery costs to the citizens of this country.

The gulf coast has worked tirelessly and quietly for generations to provide the rest of the Nation with energy and transportation services needed to keep industry around the country on pace. Only now in this time of need does the gulf coast ask for something back, a category five hurricane protection system to protect lives, property, and energy production for future storms.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

I am delighted we are moving to conference on the Water Resources Development Act. This is a very important piece of legislation that makes investments all around America. The projects in these bills will reduce transportation costs, protect our homes and businesses from damaging floods, and improve our environment for a better quality of life. The Water Resources Development Act is important legislation for the entire country.

The people of Louisiana and Mississippi suffered greatly from Hurricane Katrina last year. A great deal has been done by the Army Corps of Engineers to restore the hurricane protection works in the New Orleans area, but there is still much to do.

While I support the motion to instruct, I believe we have to recognize that there will be residual risk associated with any hurricane protection project we build. New Orleans needs to consider smart ways to rebuild that put fewer of their citizens at risk.

We also must recognize that the damaging effect of a hurricane is not measured strictly by its category, which basically measures wind speed. Other factors such as how fast it moves, how much rain is associated with it, what direction it takes, and how big a storm surge it is able to generate all contribute to whether a category five hurricane will be catastrophic or just very bad.

We are talking about protecting an important and unique region of our country, but we also have only a slight understanding at this point of how much money we will need to spend. It will certainly be tens of billions of dollars. And I will remind Members that there are other great cities in America at risk of flooding, some at higher risk than New Orleans.

While I would hope that there will be serious urban planning going on at the

local level, I believe we need a well-thought-out plan for additional hurricane protection in this region of the gulf. It must be a comprehensive plan that also recognizes the navigation needs of one of America's great ports and waterways as well as the ecological importance of the coastal marshes.

I want to assure Mr. MELANCON that I will work in conference to make sure that the Corps of Engineers gets the authority it needs to provide the appropriate protection for coastal Louisiana and Mississippi.

Mr. CONYERS. Mr. Speaker, we were all horrified a year ago when New Orleans' levies broke under the force of the winds and storm surges caused by Hurricane Katrina. Katrina was at Category 3 strength when it made landfall that fateful day, yet it wrought destruction beyond our imagination. In the face of the devastation we witnessed, it borders on the absurd to consider authorizing levee funding for New Orleans at anything less than the Category 5 level. For that reason, I rise in strong support of the Melancon Motion to Instruct the WRDA conferees.

Mr. Speaker, past authorizations for hurricane protection took into account vast marshes and wetlands, as well as barrier islands that could absorb most of the force of tidal surges. Louisiana has lost 1.2 million acres of this land due to economic development in the past century, and stands to lose another 435,000 acres if measures to stop the loss aren't taken. Without this protective buffer, the people of Louisiana are that much more vulnerable to storm surges and other hurricane-related flooding.

Coastal and wetlands restoration combined with a strong levy system will offer the hurricane protection necessary to protect the lives of over 2 million residents and the nation's industries. However, we cannot rebuild all of the wetlands lost in the near term, so we must compensate with stronger, better levee protection. The Army Corps of Engineers has worked hard to bring levees back up to pre-Katrina standards, but we've already seen what that level of protection does—nothing. Anything less than Category 5 levee protection is totally inadequate and would be an insult to the memory of the more than 700 New Orleanians who lost their lives a year ago.

Mr. JEFFERSON. Mr. Speaker, I rise today to request the conferees on the Water Development Resources Act guarantee levee protection at a Category 5 level. Hurricane Katrina served as a stark reminder that our levee system in south Louisiana is inadequate. We are responsible for ensuring the safety of its residents, and today we can make a commitment that they are not forgotten.

The economic and environmental benefits that south Louisiana provides to the nation are substantial. Coastal Louisiana produces over 30% of our nation's seafood, including 50% of our shrimp crop. Our wetlands are home to over 79 endangered species and serve as a vital habitat for migratory birds. The network of interconnected waterways and presence of several major port facilities are an important hub in our maritime industry. Over 70% of the grain produced in the United States travels through the area. 30% of our domestic crude oil and 34% of our natural gas is produced by or travels through south Louisiana, making us a centerpiece in America's Energy Coast. In addition to transporting much of our domestic oil supply, coastal Louisiana also refines 16% of our petroleum products. Knowing this, we must ensure that this valuable part of our nation's infrastructure remains intact and its people remain protected.

Our current levee system in New Orleans dates back to the 1960s, and since then our whole environment has changed. The loss of coastal barrier islands and the erosion of our wetlands have led to a weakened first line of defense against hurricanes. These islands and wetlands help absorb the storm's tidal surge and weaken the strength of an approaching storm. We are losing our wetlands at a rate of 25 to 30 square miles per year, while we are making areas further inland more susceptible to flooding. We have seen hurricanes become more powerful and more frequent as the years go by. The risk of hurricanes will always be present in south Louisiana, it is up to us to decide how to best mitigate their destructive impacts.

Looking at this situation, I am reminded of what I saw firsthand in the Netherlands. After the devastating North Sea floods of 1953, that nation committed itself to a system of water management projects that would ensure such a flood never happened again. Although the cost was high, their determination to provide absolute protection was justified. As a result, the Netherlands now has a significant number of its citizens living and produces 70% of its $480 billion GDP in areas that are fifteen to twenty feet below sea level, safely protected by flood control projects. By comparison, the lowest areas of New Orleans are only four and a half feet below sea level. Protecting the city is not beyond our technological capabilities, it is simply a matter of making the commitment necessary to do so. While the cost may seem substantial now, it pales in comparison to the cost we would face in human and economic losses should another hurricane strike south Louisiana directly.

Mr. Speaker, it is time to get it right. We must ensure the safety of the city of New Orleans and the rest of the Gulf Coast, because we have seen the horrible effects of substandard, poorly designed, inadequate levee protection in the face of a powerful storm. A working flood control system for south Louisiana begins with sound levees. I urge the conferees to support levee protection against a Category 5 storm surge.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to support Congressman MELANCON's motion to instruct conferees on H.R. 2864. This motion would direct conferees to accept provisions that will protect coastal communities in Louisiana and Mississippi from the storm surge of a category 5 hurricane.

Hurricane Katrina hit the Gulf on August 29, 2005, and was a category 3 hurricane that did not even directly hit the affected areas.

Yet, Katrina was able to inflict monstrous and unimaginable damage upon Louisiana and the Gulf Coast of Mississippi. One year after Hurricane Katrina, the area remains a terrible, twisted portrait of lives and families and whole communities washed away; home by home, block by block, neighborhood by neighborhood.

As a result of Hurricane Katrina:

More than 1,000 people died.

The total number of immediately displaced people has never been determined. Estimates range from the hundreds of thousands to the millions.

The Louisiana parishes of Orleans and St. Bernard were especially hard hit by flooding, with an estimated 77% of Orleans's population affected, and nearly all residents of St. Bernard.

In Mississippi, 55% of Hancock County's population is estimated to have been affected by flooding and/or structural damage.

In the greater New Orleans area alone, there were 160,000 homes and apartments destroyed or heavily damaged by the storm.

The metro New Orleans area has lost approximately 400,000 residents.

The National Flood Insurance Program has paid out $17 billion in property damage claims in Louisiana alone, only a fraction of total damage.

Hospital capacity in Orleans parish dropped in half immediately after the storm. In St. Bernard, there are still no hospitals open.

The Army Corps of Engineers has only begun to raise sinking levees and deal with unfinished hurricane protection and flood prevention projects. But, they're only rebuilding the levees to withstand a Category 3 storm, Katrina's level. Prudent planning and common sense would dictate that they be raised to Category 5 levels to protect the more than two million residents along these coasts.

I urge my colleagues to support and vote for this motion to instruct.

Mr. DUNCAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MELANCON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Louisiana (Mr. MELANCON).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MELANCON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

FOURTEENTH DALAI LAMA CONGRESSIONAL GOLD MEDAL ACT

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2784) to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, nonviolence, human rights, and religious understanding.

The Clerk read as follows:

S. 2784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fourteenth Dalai Lama Congressional Gold Medal Act''.

SEC. 2. FINDINGS.

Congress finds that Tenzin Gyatso, the Fourteenth Dalai Lama—

(1) is recognized in the United States and throughout the world as a leading figure of moral and religious authority;

(2) is the unrivaled spiritual and cultural leader of the Tibetan people, and has used his leadership to promote democracy, freedom, and peace for the Tibetan people through a negotiated settlement of the Tibet issue, based on autonomy within the People's Republic of China;

(3) has led the effort to preserve the rich cultural, religious, and linguistic heritage of the Tibetan people and to promote the safeguarding of other endangered cultures throughout the world;

(4) was awarded the Nobel Peace Prize in 1989 for his efforts to promote peace and nonviolence throughout the globe, and to find democratic reconciliation for the Tibetan people through his ''Middle Way'' approach;

(5) has significantly advanced the goal of greater understanding, tolerance, harmony, and respect among the different religious faiths of the world through interfaith dialogue and outreach to other religious leaders; and

(6) has used his moral authority to promote the concept of universal responsibility as a guiding tenet for how human beings should treat one another and the planet we share.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design, to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring contributions to peace and religious understanding.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

As the House author of this legislation, I rise in strong support of Senate bill 2784, the 14th Dalai Lama Congressional Gold Medal Act.

I would like to thank my dear friend and colleague, the ranking member of International Relations Committee, Congressman TOM LANTOS, for his dedicated work on this legislation as the Democratic lead of this House bill. I also would like to commend the Financial Services chairman, MICHAEL OXLEY, and his staff for their great work on this resolution as well as the House leadership and their staff for their assistance in bringing this important legislation to the floor.

Mr. Speaker, as a senior member of the House International Relations Committee and as a member of the Congressional Human Rights Caucus, I have had the opportunity to meet personally with the Dalai Lama on several occasions, most recently in November 2005, when he spoke to Congress on issues relating to democracy, human rights, and Tibet.

Born to a peasant family, His Holiness was recognized at the age of two, in accordance with the tradition of Tibet, as the reincarnation of his predecessor, the 13th Dalai Lama, and thus an incarnation of the Buddha of Compassion.

His enthronement ceremony took place in the capital of Tibet on February 22, 1940, at the tender age of five. A decade later, on November 17, 1950, His Holiness was called upon to assume the position of head of state for the people of Tibet.

His Holiness is the embodiment of serenity and understandings. His inner peace and calm demeanor give us hope that a resolution can be reached on the issue of Tibet. As the 14th Dalai Lama, he is the manifestation of compassion. To look at him is to understand the meaning of Dalai Lama, which is ''Oceans of Wisdom.''

By awarding the Dalai Lama with the Congressional Gold Medal, we are recognizing his lifelong advocacy on behalf of peace, tolerance, human rights, nonviolence, and religious understanding throughout the world. By definition, a Congressional Gold Medal is the highest expression by Congress of national appreciation for the most heroic, courageous, and outstanding individuals.

Given the overwhelming support of this legislation as evidenced by the bipartisan support of 312 cosponsors in the House companion legislation, I am confident that Members of this Chamber deem that the Dalai Lama is indeed such an individual.

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However, we are not the first to recognize the tremendous achievements of this humble man. In 1989, the 14th Dalai Lama received the Nobel Peace Prize for his work bringing democracy and freedom to his people. In the recommendation, the committee members of the Nobel Prize wrote: ''The committee wants to emphasize the fact that the Dalai Lama in his struggle for the liberation of Tibet consistently has opposed the use of violence. He has instead advocated peaceful solutions based upon tolerance and mutual respect in order to preserve the historical and cultural heritage of his people.''

The 14th Dalai Lama Congressional Gold Medal Act comes at a crucial and hopeful turning point in the ongoing negotiations between the Dalai Lama's representatives and the People's Republic of China.

In a speech delivered following His Holiness' acceptance of the Nobel Peace Prize, he said, ''It is my dream that the entire Tibetan plateau should become a free refuge where humanity and nature can live in peace and in harmonious balance. It would be a place,'' he continues, ''where people from all over the world could come to seek the true meaning of peace within themselves, away from the tension and pressures that occur in much of the rest of the world. Tibet could indeed become a creative center for the promotion and development of peace,'' he concluded.

Join me, I ask my colleagues, in paying homage to this fearless leader who has led the efforts to preserve the rich cultural, spiritual, and linguistic heritage of the people of Tibet while also promoting the safeguarding of other endangered cultures throughout the world.

Mr. Speaker, I urge my colleagues to join me in voting ''yes'' on the 14th Dalai Lama Congressional Gold Medal Act.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, this is a very important piece of legislation recognizing one of the truly great advocates of human rights in our time, a man who in the face of enormous adversity generated by the People's Republic of China's oppression has really held forth the banner of human rights.

I therefore am delighted to yield as much time as he may consume to our champion of human rights here in the House of Representatives, the ranking member of the Committee on International Relations who has for his entire life been a very vigorous defender of the cause of freedom in a variety of also adverse circumstances, the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I rise in strong support of our legislation to

award the Congressional Gold Medal to His Holiness the Dalai Lama.

I would first like to express my great appreciation to my dear friend Congressman BARNEY FRANK not only for yielding me some time, but, far more importantly, for being a tireless champion in advancing human rights. Let me also thank the chairman of the Financial Services Committee, my friend, Mr. OXLEY, for expediting consideration of this legislation, as well as my colleague from the International Relations Committee, ILEANA ROS-LEHTINEN, and for her leadership on this legislation on behalf of the Tibetan people and all human rights issues.

Mr. Speaker, 19 years ago this month, His Holiness the Dalai Lama at the invitation of my wife, Annette, addressed the Congressional Human Rights Caucus that I cofounded and which I currently chair with our colleague FRANK WOLF. The historic speech His Holiness delivered was his first major policy address outside of India and the first time he had ever appeared before the Congress.

The Dalai Lama unveiled his Five Point Peace Plan for Tibet. We did not know it at the time, but what we heard was to become the foundation for the Dalai Lama's fight on behalf of the people of Tibet.

While we were welcoming His Holiness on Capitol Hill, the State Department and the White House refused to meet with him. The individuals responsible for crafting our foreign policy back then crouched under their desks unwilling to risk the ire of the Chinese Government by meeting with the true leader of the Tibetan people.

Nearly two decades later, His Holiness regularly meets with Presidents and Secretaries of State. During his last visit to Washington, this brave man, small of stature but with an infinite heart, was greeted by dozens of Members of Congress. Tens of thousands of Washington residents packed an auditorium for several nights to hear his words of wisdom.

His Holiness has used his international acclaim to speak out forcefully against the cultural and religious annihilation of the Tibetan people. Rather than resorting to force, the Dalai Lama has actively pursued a negotiated solution to the Tibetan issue with the Chinese Government. In five rounds of discussions, representatives of the Dalai Lama have argued with determination to the Chinese that the Tibetan people must have true religious, cultural, and economic autonomy, and that the current marginalization of the Tibetan people in their own land must end.

Awarding the Congressional Gold Medal to His Holiness the Dalai Lama will send a strong signal of congressional support for a negotiated settlement to the Tibetan issue that preserves Tibetan culture and promotes genuine autonomy for the long-suffering people of Tibet.

Through his words and through his deeds, the Dalai Lama has made an enduring contribution to peace, nonviolence, human rights, and religious understanding. With our action here today, Mr. Speaker, His Holiness will join the ranks of Pope John Paul II, Elie Wiesel, Nelson Mandela, and Mother Teresa, all of whom have been awarded the Congressional Gold Medal, a pantheon of peacemakers. I strongly support passage of this legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I now yield to another staunch defender of human rights throughout the world, the gentleman from Ohio (Mr. KUCINICH), such time as he may consume.

Mr. KUCINICH. I want to thank the gentleman from Massachusetts for his own commitment to human rights and thank Mr. LANTOS for the lifetime of work that characterizes not only himself but Mrs. Lantos as well.

This is an important moment for this Congress because through recognizing the Dalai Lama with the Congressional Gold Medal, we also recognize his lifetime of work which has been about elevating the human spirit. Because in that we transcend the little labels of Democrat and Republican, liberal and conservative, and we come to an understanding of human unity, those principles which unite us all. We learn through celebrating the Dalai Lama's life and his contributions the transformative power of love, the transformative power of compassion.

In his work, he has challenged us to look at those things in our lives which cause anger, to look at those things in our lives which relate to negativity, and to consciously work on those things so that we become more perfect. Wasn't that really the message of our Founders with respect to the creation of the United States itself, that the work of our government should ever be to form a more perfect Union?

So it is that the spiritual work of the Dalai Lama informs all of us that we can perfect ourselves, that we can practice daily, taking a walk down the path towards a more meaningful life. He teaches us patience. And certainly, in this great body, patience is something that lends us to understanding of each other, to having compassion for each other.

This is an important moment for this Congress, when we understand that the Dalai Lama's teachings involve karma, an understanding of the power and the consequences of every thought, word, and deed, knowing that for every action there might be another action that follows. The symmetry between Buddhism and some of the teachings of Christianity is instructive here. Buddhists talk, and the Dalai Lama talks, about the law of karma. Christianity, we know of teachings that say as you sow, so shall you reap. So much of our lives are penetrated by spiritual dimensions that we often don't pay much attention to. But in moments like this when we celebrate the life and the work of a single person, we come to an understanding of not only his relationship to us and our relationship to him, but of our relationship to each other. And so when we celebrate him, we are celebrating ourselves, too, and our higher potential, not only as public servants but as human beings.

The Dalai Lama speaks about a path to tranquility. Is it possible in a public forum which is centered on such vigorous debate that we can find tranquility? His teachings would say, yes, because tranquility is an inner condition.

So, Mr. Speaker, the honorable ILEANA ROS-LEHTINEN, our leader Ms. PELOSI, this is an important moment for this Congress, and I am proud to play a small part in recognizing the great work and person of the Dalai Lama.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman. And to close out our side here, and I think the debate, I yield such time as she may consume to a woman who has not only been a leader in human rights but was an early advocate and personal friend of the Dalai Lama.

Let me say, Mr. Speaker, that a few years ago when he spoke at Brandeis University in the district of my colleague, Mr. MARKEY and I were there to meet him, and he had taken a stand that may have been a little controversial. And the first thing he said to me was, this was years before the gentlewoman from California had ascended to leadership. He said, ''Congressman, please tell NANCY PELOSI not to be angry; I am going to explain this to her.'' So when the Dalai Lama is concerned about her opinion of him, I think that says a great deal about her own commitment and dedication. And, of course, he did explain; and, no, she was not angry. She respected him then, she respects him now, and I am delighted to yield to her such time as she may consume.

Ms. PELOSI. Well, at the time I think the message that I told myself was, we can't be holier than His Holiness. If it is okay with him, it was okay with me.

I thank the gentleman for yielding, and I thank him for all of his leadership and assistance in bringing this important legislation to the floor. And I also commend Congresswoman ILEANA ROS-LEHTINEN for her leadership, not only on bringing the legislation, but her work on this important issue. TOM LANTOS, FRANK WOLF have just been relentless for His Holiness; and in the Senate, Senator DIANNE FEINSTEIN who represents California in the U.S. Senate but is a close personal friend also of His Holiness.

The Congressional Gold Medal is the most distinguished award bestowed by the United States Congress. It is reserved for the most heroic, most courageous, most outstanding individuals who have made lasting contributions to society, individuals such as John Paul II, Mother Teresa, Elie Wiesel, and Nelson Mandela.

Today, by honoring His Holiness the Dalai Lama, we not only honor him, but we add luster to this Congressional Gold Medal. We honor our Nation and the American people by awarding it to His Holiness. I am proud to be an original cosponsor of this legislation.

His Holiness often described himself in the following way: ''I am just a simple monk, no more, no less.'' But he represents much more to people throughout the world.

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Tibetan Buddhists believe that the Dalai Lama is the earthly manifestation of the living Buddha. On the world stage, he is seen as the head of state and the spiritual leader of the Tibetan people. For millions, he is seen as a source of spiritual refuge and a connection to inner peace and harmony, that my colleague Mr. KUCINICH was discussing.

His Holiness has traveled the world, building bridges between and among the different faiths. He has used his position to promote wisdom, compassion and nonviolence as a solution, not only in Tibet, but to other world conflicts.

His leadership is not only in the area of faith and harmony among people, but also in protecting the environment. I remember it was a great joy seeing him speak at the Earth Summit in Rio in 1992.

The Dalai Lama has made the human rights situation in Tibet an issue of international concern. Indeed, the situation in Tibet is a challenge to the conscience of the world. Under Chinese occupation, hundreds of thousands of Tibetans have died. Freedom to practice their religion and political expression have been severely curtailed. So powerful is the image of the Dalai Lama that Tibetans are imprisoned for simply owning a picture of him.

As a new Member of Congress in 1987, I was in attendance, at the invitation of my colleague from San Francisco TOM LANTOS, when the Dalai Lama proposed the historic Five-Point Peace Plan toward resolving the future status of Tibet. The Dalai Lama proposed a ''Middle Way Approach'' that seeks genuine autonomy for Tibetans within the framework of the People's Republic of China. Autonomy, not independence.

In recent years, Tibetan envoys have traveled to China for five rounds of discussions on the status of Tibet. While open dialogue is a first step, it is clear that the Chinese government has been stalling all along.

The Chinese are missing an historic opportunity to negotiate with a partner who has the authority and the legitimacy to implement a comprehensive agreement. The Chinese are missing an opportunity for a solution that would ensure internal stability in Tibet and bolster China's reputation in the world.

The Dalai Lama has asked for international support for his efforts to engage the Chinese government. I am proud to say that the U.S. Congress has been a bedrock of support for the Tibetan cause. By awarding the gold medal to the Dalai Lama, Congress is sending an important signal of support for going further.

This is not the first gift our country has given to His Holiness. Of course, for many years and decades, we have given the gift of respect, of reverence and appreciation for all that His Holiness is and does. But when he was a little boy, the special relationship he had with America was demonstrated when Franklin Roosevelt, as President of the United States, gave His Holiness one of his favorite gifts which was a gold watch which had the phases of the Moon on the watch. It was a wonderful thing, a gift from the President to this little boy who had been named the Dalai Lama.

When His Holiness was driven out of Tibet by the Chinese invasion, it was one of the few things that he carried with him. So he had the gold watch, and now all these many years later, out of respect and reverence for him, he will have the Congressional Goeld Medal.

I urge my colleagues to support it and look forward to the day when we can present it to him in the halls of Congress.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I consume just to express to the government of the People's Republic of China, on behalf I think of this entire House, a plea that they understand that their desire to be recognized as a great Nation, their security in this world will be enhanced, not diminished, if they reach out to this great leader who has moved in a direction beyond what some would want him to go to try and reach a compromise involving autonomy for the people of Tibet.

It is simply unbecoming for a Nation with the economic might of China, with the potential military might of China to appear to be frightened of this gentle, loving advocate of human dignity.

So we urge the Chinese Government, the entire House does, to reconsider its unwillingness to meet halfway as the Dalai Lama has agreed to do, and to give him the ability to return to Tibet, to a people that yearns for him, to reconcile with the people of Tibet and with the Dalai Lama, and the Chinese Government will be the beneficiaries, not the victims.

Mr. Speaker, I am glad that the House is able to pass this bill, unanimously I believe we will be doing it.

Mr. OXLEY. Mr. Speaker, I rise today to urge support of S. 2784, the ''Fourteenth Dalai Lama Congressional Gold Medal Act,'' and urge its immediate passage.

This legislation was introduced by the Senator from California, Mrs. FEINSTEIN, and is identical to H.R. 4562, introduced by the gentle lady from Florida, Ms. ROS-LEHTINEN. The House version currently has 312 co-sponsors, is compliant with all House and Financial Services Committee rules, and has been scored as budget-neutral by CBO.

Under the legislation, the Speaker and the President Pro Tempore of the Senate are authorized to present, on behalf of Congress, a gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, or spiritual, cultural and, in effect, governmental leader of Tibet, who has lived in exile from his native country since 1959, when he fled the power of the People's Republic of China.

Mr. Speaker, the Dalai Lama has spent the 47 years of his exile peacefully seeking to establish a form of autonomous self rule for Tibet. In doing so, he has earned the great respect of the world community for the quiet, disciplined and non-violent way he has chosen to lead his struggle—in fact, the respect is so great that in 1989, he was awarded the Nobel Peace Prize. The Nobel Committee said the award came ''for his consistent resistance to the use of violence in his people's struggle to regain their liberty . . . He has instead advocated peaceful solutions based upon tolerance and mutual respect in order to preserve the historical and cultural heritage of his people.''

Mr. Speaker, Tibet is a long way from the United States, and a far different land about which most Americans know little. But the Dalai Lama's basic beliefs—peace, human rights, preservation of culture and of the environment, and the promotion of harmony and respect among religions—are so familiar to all of us that we may feel we know this quiet man in some special way, and he us. In fact, at a ceremony in the Capitol Rotunda in 1991, the Dalai Lama said of his childhood view of the United States: ''What truly inspired me were your ideas of freedom and democracy. I felt that your principles were identical to my own, the Buddhist belief in fundamental human rights, freedom, equality, tolerance and compassion for all.''

Mr. Speaker, the Congressional Gold Medal is the highest civilian honor the Congress can bestow. Previous recipients have included Pope John Paul II, Mother Teresa and Elie Wiesel. His Holiness, the Fourteenth Dalai Lama, stands with them in his beliefs, and in the way his life embodies them. It is appropriate and, perhaps, overdue that we confer upon him this medal, this mark of respect and admiration. I urge immediate passage of this bill.

Mr. PAUL. Mr. Speaker, with great sadness I must rise to oppose this measure granting a congressional gold medal to the 14th Dalai Lama. While I greatly admire and respect His Holiness the Dalai Lama, and fully recognize his tremendous status both as a Buddhist leader and international advocate for peace, I must object to the manner in which this body chooses to honor him.

I wonder if my colleagues see the irony in honoring a devout Buddhist monk with a material gift of gold. The Buddhist tradition, of course, eschews worldly possessions in favor of purity of thought and action. Buddhism urges its practitioners to alleviate the suffering of others whenever possible. I'm sure His Holiness the Dalai Lama would rather see $30,000 spent to help those less fortunate, rather than for a feel-good congressional gesture.

We cannot forget that Congress has no authority under the Constitution to spend taxpayer money on medals and awards, no matter how richly deserved. And I reiterate my offer of $100 from my own pocket to pay for this medal—if members wish to honor the

Dalai Lama, all we need to do is pay for it ourselves. If all 435 of us contribute, the cost will be roughly $70 each. So while a gold medal sounds like a great idea, it becomes a bit strange when we see the actual cost involved.

If Congress truly wishes to honor the Dalai Lama, it could instead start by showing more respect for his views in the areas of foreign policy, war, and terrorism. The bellicosity often demonstrated on the floor of this institution toward entire nations and their people conflicts sharply with the peaceful teachings of the Dalai Lama.

Consider the following words of His Holiness:

"When September 11 happened, the next day I wrote a letter to President Bush as a friend—because I know him personally. I wrote this letter and expressed, besides my condolences and sadness, a countermeasure to this tragedy: a nonviolent response because that would have been more effective. So this is my stance. And then just before the Iraq crisis started, millions of people from countries like Australia and America expressed their opposition to violence. I really admired and appreciated this."

"When the war started, some people immediately asked me if it was justified or not, whether it was right or wrong. In principle, any resort to violence is wrong."

Consider also these thoughts from the Dalai Lama regarding the terrible pointlessness of war:

"We have seen that we cannot solve human problems by fighting. Problems resulting from differences in opinion must be resolved through the gradual process of dialogue. Undoubtedly, wars produce victors and losers; but only temporarily. Victory or defeat resulting from wars cannot be long-lasting. Secondly, our world has become so interdependent that the defeat of one country must impact the rest of the world, or cause all of us to suffer losses either directly or indirectly."

"Today, the world is so small and so interdependent that the concept of war has become anachronistic, an outmoded approach. As a rule, we always talk about reform and changes. Among the old traditions, there are many aspects that are either ill-suited to our present reality or are counterproductive due to their shortsightedness. These, we have consigned to the dustbin of history. War too should be relegated to the dustbin of history."

"Of course, the militaristic tradition may not end easily. But, let us think of this. If there were bloodshed, people in positions of power, or those who are responsible, will find safe places; they will escape the consequent hardship. They will find safety for themselves, one way or the other. But what about the poor people, the defenseless people, the children, the old and infirm. They are the ones who will have to bear the brunt of devastation. When weapons are fired, the result will be death and destruction. Weapons will not discriminate between the innocent and guilty. A missile, once fired, will show no respect to the innocent, poor, defenseless, or those worthy of compassion. Therefore, the real losers will be the poor and defenseless, ones who are completely innocent, and those who lead a hand-to-mouth existence."

Mr. Speaker, in closing let me join my colleagues in stating my tremendous respect for His Holiness the Dalai Lama. While I cannot agree with forcible taxation to pay for gold medals, I certainly hope Congress takes the teaching of His Holiness to heart and begins to rethink our aggressive, interventionist foreign policy.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the Senate bill, S. 2784.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXTENDING THANKS TO DEFENSE POW/MISSING PERSONNEL OFFICE FOR EFFORTS TO ACHIEVE ACCOUNTING OF ALL AMERICANS UNACCOUNTED FOR AS A RESULT OF THE VIETNAM WAR

Mr. SIMMONS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 444) extending the thanks of Congress and the Nation to the Defense POW/Missing Personnel office, the Joint POW/MIA Accounting Command of the Department of Defense, the Armed Forces DNA Identification Laboratory, the Air Force Life Sciences Equipment Laboratory, and the military departments and to the Socialist Republic of Vietnam for their efforts to achieve the fullest possible accounting of all Americans unaccounted for as a result of the Vietnam War, as amended.

The Clerk read as follows:

H. CON. RES. 444

Whereas the Defense POW/Missing Personnel Office (DPMO), an element of the Office of the Secretary of Defense, exercises policy, control and oversight within the Department of Defense of the process of investigation, analysis, recovery, and fullest possible accounting of Americans missing as a result of the Nation's previous wars and conflicts;

Whereas the Joint POW/MIA Accounting Command (JPAC), located on the island of Oahu in Hawaii, is charged with the mission of conducting investigations, analysis, recovery, and identifications to achieve the fullest possible accounting of all Americans missing as a result of the Nation's wars and conflicts;

Whereas the laboratory portion of that command, referred to as the Central Identification Laboratory, is the largest forensic anthropology laboratory in the world;

Whereas the Armed Forces DNA Identification Laboratory (AFDIL), located in Rockville, Maryland, is one of the leading laboratories in the world for processing degraded skeletal remains and family references for mitochondrial DNA;

Whereas the Air Force Life Sciences Equipment Laboratory (LSEL), located in San Antonio, Texas, houses the most comprehensive technical library and collection of life sciences equipment used by the Armed Forces, to include analysts for artifact identification;

Whereas National POW/MIA Recognition Day is one of the six days specified in section 902 of title 36, United States Code, as days on which the National League of Families POW/MIA flag is to be flown over specified Federal facilities and national cemeteries, post offices, and military installations;

Whereas as of September 15, 2006, the remains of 60 Americans unaccounted for from the Korean War have been recovered, and these remains have been repatriated, identified, and returned to their families;

Whereas as of September 15, 2006, the remains of more than 375 Americans unaccounted for from World War II, the Cold War, and other conflicts fought by the United States have been recovered throughout the world, and these remains have been repatriated, identified, and returned to their families;

Whereas the improved access of representatives of the United States to information in the Socialist Republic of Vietnam, the Lao People's Democratic Republic, and the Kingdom of Cambodia has resulted in the recovery and repatriation of the remains of Americans unaccounted for from the Vietnam War;

Whereas as of September 15, 2006, 216 Joint Field Actions have been conducted in Vietnam, Laos, and Cambodia, which has resulted in the recovery of the remains of 841 Americans unaccounted for from the Vietnam War, and these remains have been repatriated, identified, and returned to their families;

Whereas the United States has a historic commitment to the recovery of, and the fullest accounting of, Americans who are missing as a result of the Nation's wars and conflicts; and

Whereas every member of the United States Armed Forces who is unaccounted for as a result of service to the Nation is equally important, regardless of the time or place of the war or conflict: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes that National POW/MIA Recognition Day is one of the six days specified by section 902 of title 36, United States Code, as days on which the National League of Families POW/MIA flag is to be flown over specified Federal facilities and national cemeteries, military installations, and post offices;

(2) applauds the personnel of the Defense POW/Missing Personnel Office, the Joint POW/MIA Accounting Command of the Department of Defense, the Armed Forces DNA Identification Laboratory, the Air Force Life Sciences Equipment Laboratory, and the military departments for continuing their mission of achieving the fullest possible accounting of all Americans unaccounted for as a result of the Nation's previous wars and conflicts;

(3) extends its appreciation and the appreciation of the people of the United States to the personnel of those offices, commands, and laboratories in the United States, the Socialist Republic of Vietnam, the Lao People's Democratic Republic, and the Kingdom of Cambodia for their efforts to achieve the fullest possible accounting of all Americans who remain unaccounted for as a result of the Vietnam War;

(4) encourages the United States Government to use all available means to continue the mission described in paragraph (2) at current or greater levels until the fullest possible accounting missing Americans is achieved;

(5) recognizes that the efforts and involvement of POW/MIA families and veterans contribute significantly to the fullest possible accounting of missing Americans;

(6) recognizes the assistance of host nations in supporting the efforts of the United States Government to achieve the fullest possible accounting of all Americans unaccounted for as a result of the Nation's previous wars and conflicts;

(7) extends its appreciation to Vietnam, Laos, and Cambodia for continued assistance and cooperation in the humane recovery, repatriation, and identification of the remains of Americas still unaccounted for from the Vietnam War; and

(8) encourages all host nations to assist and cooperate in the humane recovery, repatriation, and identification of the remains of Americans unaccounted for as a result of the Nation's previous wars and conflicts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SIMMONS) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

GENERAL LEAVE

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SIMMONS. Mr. Speaker, I yield myself such time as I may consume.

I am honored to rise in support of H. Con. Res. 444, recognizing the difficult, demanding and essential work of the Defense/POW Missing Personnel Office, or DPMO, and all the others devoted to bringing home fallen U.S. servicemembers. DPMO makes sure that none of our men and women in uniform are forgotten or left behind on the field of battle.

This Friday, we will observe National POW/MIA Recognition Day, and I am pleased that passage of this resolution will send a message of sincere thanks to all who remain dedicated, vigilant and loyal to unaccounted for Americans.

Although he cannot be here with us tonight, I would like to recognize my colleague and fellow Vietnam veteran Congressman LANE EVANS, who was a cosponsor of this resolution and a fellow member of the House Armed Services Committee. My good friend from Illinois also shares with me co-chair responsibilities on the United States-Vietnam Congressional Caucus which we established several years ago. Congressman EVANS is retiring at the end of this Congress, and I thank him for his friendship and for his service. He is a former marine, and he has been a great friend to members of all the branches of service. I say to him tonight, LANE, Semper Fi.

This resolution tonight is especially meaningful to Connecticut's Second District. In June 1972, CPT Arnold Holm of Waterford, Connecticut, was shot down over the central highlands of Vietnam. Captain Holm and the two members of his flight crew, PFC Wayne Bibbs and SP4 Robin Yeakley, were officially listed as missing in action.

Numerous searches for the crash site of their helicopter were unsuccessful, but the dedicated individuals of the DPMO did not give up. Just a few weeks ago, nearly 35 years after the helicopter was shot down, the field team in Vietnam appears to have located Captain Holm's crash site. I cannot tell you what this means to his wife Margarete Holm and to the family. It brings a sense of closure that is indescribable to anyone who has not experienced the profound emotions of personal loss that goes with having a family member as missing in action.

This resolution gives thanks to all of those who have worked to bring home America's POWs and MIAs. It reaffirms our commitment to our fellow Americans who have earned the right to be called heroes.

Americans are unique in this regard because we never leave our own behind. It is part of our national character that we do not write off those lost in defense of our Nation, no matter where they are, no matter how long they have been lost.

The U.S. Army Central Identification Laboratory located in Hawaii has an important mission. Their task is to search for, recover and identify the remains of servicemembers, certain civilian personnel and allied personnel unaccounted for from World War II, the Korean War, Vietnam War and all other conflicts. DPMO has brought home and identified hundreds of previously unaccounted for servicemembers, which is a costly and dangerous assignment. Americans, Vietnamese and others have lost their lives in search of their lost brothers, but we continue to support their mission because their work is a critical element of who we are.

DPMO's mission is critical to the military families who live with ambiguity and await closure. By continuing the search, we honor their service and their sacrifice.

I have already shared the story of Captain Holm. I have another. Robert Dumas lives in Canterbury, Connecticut. For more than 50 years, he has been searching for his brother Roger, who was a POW in Korea. He has been to Washington, D.C., more than 100 times and has met with Members of Congress and anyone else who might be able to help him uncover the fate of his brother. Bob Dumas promised his mother on her deathbed that he would never abandon the effort to find his brother, and he has kept his word. That is what this resolution is all about, keeping our word to those who have served and to their families.

Men like Roger Dumas, Arnie Holm and millions of others throughout our Nation's history have put their lives on the line for us. Some of them never returned and the fate of the others remains uncertain, but we owe it to them and to their families to try to bring them home.

The governments of Vietnam and Laos and Cambodia and other Nations throughout Southeast Asia also deserve our thanks. They have been instrumental in the search for missing U.S. servicemembers. In many cases, Vietnamese soldiers and officials have risked and lost their lives in the pursuit of American POWs and MIA remains.

When I put my dog tags on over 40 years ago, I noticed that they did not give any indication of my political affiliation, and when you visit the graves of our heroes at nearby Arlington Cemetery you will notice the same thing. None of the markers identify the soldiers' political affiliations. We do not wear the uniform of our country as members of a political party but as Americans. We do not continue to search for our missing servicemen and women as members of a political party but as Americans.

We will continue to support the efforts of the DPMO all around the world because these efforts are important. We will never give up the work, the hope or the commitment, and I ask all of my colleagues to join in support of this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Con. Res. 444 and thank my friend Mr. SIMMONS from Connecticut for bringing this resolution forward this evening.

Mr. Speaker, this resolution is an expression of appreciation of the Congress and the Nation to the personnel of the Department of Defense organizations and military departments who are engaged in the mission to achieve the fullest possible accounting for all unaccounted servicemembers in past and current conflicts.

It also recognizes the POW/MIA families and the veterans for their support and foreign Nations that have assisted in these endeavors, and so I am pleased to join my friend from Connecticut in support of this measure, and I thank him for bringing it forward.

Mr. Speaker, on the third Friday of each September our Nation pays tribute to our prisoners of war and those still missing in action during National POW/MIA Recognition Day. On September 15, we will honor America's POWs and all those who have worked and continue the effort to leave no servicemember behind.

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There are thousands of people that support these efforts, from teams on the ground who conduct investigations, analysis and recovery, to those within the Department of Defense Mission Personnel Office, who are responsible for developing the policies and the controls and oversight. Each and every day these dedicated individuals are working to bring home our missing sons and daughters who have served their Nation in uniform.

The joint POW/MIA Accounting Command in Hawaii oversees these missions. The Central Identification Laboratory is the largest forensic anthropology laboratory in the world. The Armed Forces DNA Identification Laboratory in Maryland is one of the leading laboratories in the world that handles degraded skeletal remains to determine DNA results, and the Air Force Life Sciences Equipment Laboratory in Texas is home to the most comprehensive technical library and collection of life sciences equipment used by the Armed Forces.

But all of our efforts would be for naught, Mr. Speaker, if we did not have the support and cooperation of other nations, such as the Laos People's Democratic Republic, the Socialist Republic of Vietnam, and the Kingdom of Cambodia, in helping us achieve the fullest possible accounting of all Americans who remain unaccounted from past and current conflicts.

However, even with the state-of-the-art laboratories and highly trained personnel and the support of foreign nations, we could not be successful as we have been without the support of the families. Yes, the families and the loved ones of those missing in action and those who were captured and returned home. The support of these families and that of our POWs has been immeasurable. We would not be here today in support of National POW/MIA Recognition Day without their encouragement and without their advocacy.

On Friday, National POW/MIA Recognition Day will be one of the six days specified by law that the National League of Families POW/MIA flag is required to be flown over certain Federal buildings, over certain national cemeteries, military installations, and post offices. The flag will fly as a reminder for all Americans to remember those who remain missing in action and those who were captured and have returned home.

And so, Mr. Speaker, let us also take this special moment to recognize those of the current conflict, the current conflict who remain missing: SGT Keith ''Matt'' Maupin, United States Army Reserves, and MAJ Jill Metzger, United States Air Force. Our thoughts and our prayers are with them and with their families and the families of those whose loved ones remain missing from previous conflicts.

Mr. Speaker, I reserve the balance of my time.

Mr. SIMMONS. Mr. Speaker, I would simply like to close by thanking my colleague, the gentleman from North Carolina, who serves with great distinction on the House Armed Services Committee, serves our country in a bipartisan fashion, for his contribution and his cooperation on this resolution here tonight.

Mr. EVANS. Mr. Speaker, on June 29, 2006, my colleague, Mr. SIMMONS, and I introduced H. Con. Res. 444, extending the thanks of Congress and the Nation to the Defense POW/Missing Personnel Office, the Joint POW/MIA Accounting Command of the Department of Defense, the Armed Forces DNA Identification Laboratory, the Air Force Life Sciences Equipment Laboratory, and the military departments and to the Socialist Republic of Vietnam for their efforts to achieve the fullest possible accounting of all Americans unaccounted for as a result of the Nation's previous wars and conflicts. I am honored to stand before you today in support of this resolution.

On Friday we will celebrate National POW/MIA Recognition Day. As a Vietnam-era veteran I am deeply touched by the opportunity to discuss this resolution on the floor so close to this important day of recognition. It is difficult for me to understand that over 30 years after the end of hostilities in Vietnam, 1,802 Americans are still unaccounted for in Southeast Asia. It is only through the hard work and cooperation of the people, officials and governments of Vietnam and the United States that the remains of 604 Americans have been identified and returned to the United States. They are the heroes who are helping to bring closure and peace to so many American families.

I urge all my colleagues to vote in support of this long overdue recognition and send a heartfelt message to all the individuals involved in the identification and recovery efforts that a thankful Nation values and appreciates the work they do.

Mr. SIMMONS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BUTTERFIELD. Likewise, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SIMMONS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 444, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: ''Concurrent resolution extending the appreciation of Congress and the Nation to the Department of Defense organizations, military departments, and personnel engaged in the mission to achieve the fullest possible accounting for all Americans unaccounted for as a result of the Nation's wars, to the POW/MIA families and veterans who support the mission, and to foreign nations that assist in the mission.''.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NARCOTICS PROBLEM IN AFGHANISTAN

Mr. SOUDER. Mr. Speaker, I ask unanimous consent to claim Mr. POE's time.

The SPEAKER pro tempore. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

IN MEMORY OF TOM JEHL

Mr. SOUDER. Mr. Speaker, my subject for tonight is on Afghanistan and the narcotics problem, but before I address that, I would like to insert into the RECORD an excellent newspaper article about Tom Jehl, who died Tuesday in Fort Wayne.

He had this tremendous love for the University of St. Francis and Fort Wayne football team, and that love and this story is about how it kept him alive in the drive for the national championship, and how this year it is the inspiration for that team.

This is in NAIA, not Notre Dame's division. They will be the national champ in that division, but the University of St. Francis has been in the championship for the last few years, and Tom Jehl was their biggest cheerleader, and he is going to be sorely missed in Fort Wayne, and I hope it inspires the team, the Cougars, to go all the way this year.

[From the Fort Wayne News—Sentinel, Sept. 13, 2006]

In January 2005, Fort Wayne businessman and Lifetime Sports Academy co-founder Tom Jehl was diagnosed with aggressive strains of carcinoma and sarcoma cancers. A few weeks later, doctors at the Mayo Clinic told Jehl he had six months to live.

Jehl died Tuesday at age 76. This story is how he turned that prediction into 21 months with the help of some young friends.

When Jehl was informed of his diagnosis, one of the first people he called was University of Saint Francis Football coach Kevin Donley. The pair had met eight years earlier while waiting to participate in an hour-long radio sports show.

''I didn't know anything about Lifetime Sports Academy and Tom Jehl,'' Donley said, ''and he didn't know anything about me and thought I was a fool to start a football team at Saint Francis. I thought, 'This guy's getting a half-hour of my deal,' and he's thinking, 'I'm getting a half-hour of his deal and they'll never play a game.' ''

Almost, but not quite.

''I was trying not to listen to him,'' Jehl said a few weeks ago, laughing. ''Out of the comer of my ear I hear him say 'We intend to win a national championship,' and I was like, Oh, brother, are we bringing a caseload to Fort Wayne! And he's on before me?' ''

A former Central Catholic quarterback, class of 1948, Jehl's first love was football. He played his college ball at Loras College in Dubuque, Iowa, before joining the Air Force, and it had always been his dream that Fort Wayne high school players would have a closer option. A few weeks after their meeting, Jehl walked into Donley's office and asked how he could help.

Over the next few years, Jehl helped the school name the football stadium after

Bishop John M. D'Arcy and then was the major contributor to get artificial turf for the stadium.

''I don't think we'd be where we are with our football program without him,'' Donley said. ''He's been such a mentor to me and a friend to me and has helped me in this community to know what the heck to do. He turned out to be one of the best friends I have in life.''

In April 2005, Donley and Saint Francis President Sister M. Elise Kriss asked Jehl to attend a healing prayer Mass at Trinity Hall. When Jehl and his wife, Marg, arrived early, Kriss said Donley wanted them to stop by a spring football practice.

As Jehl approached the field, Donley dismissed the players. The Jehls and Kriss walked to the front of the building where the team was waiting, pointing up to ''Tom Jehl Football Complex'' posted on the side of the building.

''I had no clue,'' Jehl said. ''I never heard a cheer so loud in all my life. Then I thought, 'What the heck am I going to say?' ''

Afterward Donley made a few remarks, talking about how the players had been praying for Jehl every day and were dedicating the season to him.

Jehl remembered making a few comments, mostly saying the right things, including telling the players maybe he could make it to the first game in September.

''Mr. Jehl, the final game is Dec. 15, and you aren't getting off the hook until then,'' linebacker Brian Kurtz said. ''You're going to be around here until Dec. 15, and we're going to win it all for you.''

The players presented Jehl with a silver ring from their runner-up finish in 2004 and told him the goal was to get him a gold one the next season. Jehl said he'd try. After all, the Cougars had lost the title in the final seconds and would be favored to return to the championship game.

''I kind of got revved up a little bit, and I had been pretty negative about the whole future of my health,'' Jehl said. ''I wasn't doing myself any good walking around and talking about my time period and such. About a week after the Mass, I began to change completely. I figured they went to all that trouble, so who was I to walk around with such a negative attitude?''

The doctors' prognosis never wavered, but Jehl kept fighting with natural herbs, prayers and encouragement.

Inhaling energy from the children at Lifetime Sports Academy, he made it through the summer as the Cougars prepared for another title try. With Jehl watching every game from the sidelines, the Cougars kept rolling.

''It was like living in one of the most unbelievable stories of all time, and I felt it all the way,'' Jehl said. ''They knew I was there, and I knew they were there. They put their heart into it, and many said they'd be praying for me every day.''

The Cougars again reached the national title game. Jehl flew to the game with friends and gave a pre-game prayer, saying ''Let's finish the job,'' at the end.

This time the score wasn't so close. Carroll College won 27–10.

After the game, Jehl didn't say anything to the players, just climbed on the plane for the ride home. He knew there was nothing he could say.

''The other team was more ready for us,'' he said. ''It was a good fight, and a couple of plays turned things around. They came that close. I think that if they had won that game, I'd have been cured right there.''

But the cancer was spreading, and Jehl spent more time than ever this summer at Lifetime Sports Academy, talking with coaches and enjoying the kids.

Though he was unable to go to the Cougars' season-opening game in Iowa last Saturday, he attended the Saint Francis preseason scrimmage two weeks ago, 15 months past his original diagnosis.

NARCOTICS PROBLEM IN AFGHANISTAN

Unfortunately, Mr. Speaker, the temptation in Afghanistan right now is to say, I told you so. I have been trying not to jump up and down and say, I told you so, but I can't resist doing it at least once: I told you so.

In the narcotics committee, we have been raising for years, since we went into Afghanistan, that the heroin problem was going to lead to a rerise of the Taliban. It was inevitable. Now, there are broad strategies in Afghanistan that are very complex. Afghanistan has never really been governed as a nation. It has always been much more tribal even than what now people are becoming familiar with between the Kurds the Shia and the Sunni in Iraq.

And for those who say in Iraq we should have allowed the Baaths into the government, we should have let more territorial control, well, we did that in Afghanistan. So we tried both ways. In Afghanistan, President Karzai, a good man, a dedicated man who has understood the battle, has tried to work with the tribal leaders in the region. But in those regions, in the absence of a workable economy at this point, they went from a somewhat large narcotics country to the dominant heroin country in the world.

Let me give you some idea of that scale. Under the Taliban, they had produced, let's take this on an equivalency because I can't remember the numbers off the top of my head, but let's say 20 million hectare, or 100,000 hectares and 20 million tons of whatever the quantity of heroin is. A number of 20. Then they went down to zero. When the government changed in Afghanistan, initially there wasn't a growth in heroin, but it went up by a factor of three times. Then it went up again by a factor of four times what it was under the Taliban, an equivalent of 60, then an equivalent of 80 if you use a 20 base number.

Now, supposedly, this was getting stabilized. But again this year, the UNDCP, the narcotics office of the Department of the U.N., is saying that it rose 59 percent again. Now, 59 percent is an extraordinary number, but over a base that is four times the previous world record and now it is up 59 percent again, what you see is that what used to be the grain and bread basket of the world, down around Kandahar and the Helmand Province, is now heroin as far as the eye can see.

Afghanistan has not always been the heroin center of the world. They have always had some heroin, but they had it up and down over the years. Since we have moved in there, because the Department of Defense, and particularly the British, who had charge of this, have neglected to do the spray operations, have neglected to go after this, they now have a problem that is nearly insurmountable, and now it has spread to the Taliban.

Congressman HOEKSTRA as well as Congressman SHADEGG and Congressman RUPPERSBERGER and I were what may be the only delegation that will ever get into Helmand. With the battle between the State Department and the Defense Department, finally the State Department did let us get on the ground. We got down to Helmand. I have been to Colombia 12 times. I have been in Afghanistan before. But when we got down in the Kandahar-Helmand region, we got up in a Black Hawk and went for 45 minutes, and as far as the eye could see there was heroin, with poppies coming out.

And when you see the immensity of the heroin problem, that is going to move in to all the nations around it, spread from Afghanistan into the other stans, Uzbekistan and Kazihkstan, and move on into Turkey and into Europe. It is going to corrupt. It is not like Colombia, where you had the Medellin cartel and the Cali cartel. Here you don't have that same type of one dominant country moving through. The Afghans don't manage the heroin all the way through. It is going to corrupt the entire eastern side of Europe and move into Asia.

On top of that, it is corrupting the government inside. And every time I have gone to Afghanistan, I have asked the same question. They say, well, these guys have really sophisticated weapons. They are getting IEDs similar to what we see in Iraq. They are getting new rocket launchers that can take our airplanes out. What do you think they are buying them with? Do you think they are making Dell Computers in Afghanistan? Do you think they are making plastic parts for the auto industry in Afghanistan? No, they are buying them with heroin.

And we have been asleep. The British have been asleep, NATO's been asleep, and the U.N.'s been asleep while the heroin is on the ground growing in massive quantities and now funding the killing of troops from my district. Men and women from my district are being shot at with heroin money because of the addiction around the world and because our governments wouldn't act.

Now, there are some things we can do. First off, we need the Department of Defense and our Federal agencies, and particularly the British, who are extremely frustrating in this process, and the NATO people that are taking over to start to recognize that narcotics is the core funding of terrorism in Afghanistan. They have no other income.

Secondly, we need back the Schumer amendment in the DOD appropriations bill that put $700 million towards the drug problem in Afghanistan. And I am not always a big ally of Senator SCHUMER, but we need to back his amendment here. He is right. We need a unified campaign like in Colombia, where drugs and terror are treated the same way.

This is an inseparable problem, and we better get it now or we will never get Afghanistan back.

THE PROBLEM

Counter-narcotics efforts in Afghanistan are failing. A recent report by the United Nations Office on Drugs and Crime (UNODC) indicated that opium cultivation rose 59% in the past year. . . . from 104,000 to 165,000 hectares.

Afghanistan is producing 92% of the world's opiates including heroin and this total actually exceeds global consumption by an astounding 30%.

The problem is particularly acute in the southern provinces and most notably in Helmand. If one considered Helmand an independent nation, it would be the world's second largest opium producer following the rest of Afghanistan.

Afghanistan's central government has been unable to exert enough influence to stem the rising opium tide and this has fueled rampant corruption at the provincial level.

WHY IT'S IMPORTANT

This rise in opium production coincides with a resurgence of Taliban inspired violence especially prevalent in Afghanistan's southern provinces. The drug profits, totaling at least a third of Afghanistan's GDP, are fueling a deadly insurgency that has reached unprecedented levels since we toppled the Taliban regime in 2001. American and allied soldiers are fighting and dying every day because of this illicit relationship.

In a larger sense, the Taliban's resurrection is threatening Afghanistan's emerging democracy and restricting the growth of legitimate trade and commerce. It's no coincidence that the largest increases in opium production occurred in the areas where the central government is weak and the Taliban is strong.

At the provincial level, there is widespread corruption between government officials, narco-traffickers, tribal leaders and Taliban insurgents. The Taliban is encouraging farmers to grow poppy while providing protection for narcotics shipments through Afghanistan. This symbiotic relationship is destroying the fabric of Afghan democracy and threatening to reverse all of the nation's progress since 2001.

Afghanistan's drug based economy is destabilizing the entire region and providing the financial means for a return of radical Islamic fundamentalism to this fledgling democracy.

THE WAY FORWARD

The Department of Defense (DOD) and other federal agencies need to accept that narcotics smuggling in Afghanistan is fueling the Taliban-led insurgency. Defeating the Taliban is impossible without simultaneously addressing the drug problem so the DOD must play a greater role in non-eradication efforts.

On September 7th, the Schumer amendment was inserted into the DOD appropriations bill for $700 million towards the drug problem in Afghanistan. At conference, I recommend mandating this funding to jump-start a new, counter-narcotics policy in Afghanistan.

Since narcotics and terrorist operatives function in a mutually beneficial and symbiotic fashion, our national policy must shift toward a "Unified Campaign" against drugs and terror similar to the initiative in Colombia which has yielded significant results. Our national policy should not focus solely on eradication. Instead, the DOD must be mandated to support other federal/international agencies in pursuit of narcotics traffickers as well as terrorist organizations. More specifically:

Purchase or lease adequate DEA helicopter lift and support gun ships to support enforcement actions against drug kingpins (also known as High Valued Targets or HVTs) or heroin labs.

Utilize the State Department's ten Huey II helicopters, currently being used for eradication, to support DEA law enforcement operations.

Purchase an adequate number of counter-narcotic canines to support all drug enforcement operations including airport security/cargo inspection and road check-points.

Provide $18.5 million for the DEA to create human-intelligence networks.

The successful counter-narcotics lessons from Colombia are also clear. Upon the U.S. Congress' request, the Colombian National Police visited Afghanistan in July 2006 and made several recommendations to curb the narcotics problem. The Colombian police are experts at dealing with the terrorism and drug nexus so we should give great weight to their recommendations. They encouraged the Afghan police to develop their investigative and intelligence collection techniques to exploit human informants in order to take-down drug kingpins as well as to trace and eliminate the trafficking networks. In addition, the Afghan police needs to learn how to develop legal cases in order prosecute major drug kingpins.

A key mechanism of the DOD's efforts is the use of the Central Transfer Account (CTA). This account was developed to preserve the integrity of the Department's counter-narcotics efforts and should remain firewalled from other uses. A recent reorganization proposal within DOD to expand the Deputy Assistant Secretary of Defense (DASD) for Counter-Narcotics responsibilities to also include counter-proliferation and other unspecified "global threats", derails the singular focus of the CTA. If the CTA's resources are combined with other responsibilities, such as the Nunn-Lugar program which focuses on dismantling Soviet-era nuclear warheads, the DOD's counter-narcotics mission would be seriously distracted if not compromised. Counter-proliferation and counter-narcotics are distinct activities and the DOD should not combine both functions under one office.

Finally, provincial corruption is the lubrication which keeps the narcotics engine running in Afghanistan. The potential profits from narcotics trafficking are a compelling temptation to many officials in this poverty stricken nation. Unless the Afghanistan government, with the support of the international community, can root out corruption at all levels and successfully prosecute those who violate their own laws, we'll struggle to gain any ground.

CONCLUSION

Narcotics smuggling is feeding the terrorist insurgency in Afghanistan. The two activities are inextricably linked and must be combated in a unified fashion.

We must succeed in Afghanistan. The maintenance of a stable and democratic Afghanistan is pivotal for regional and global security.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. GILCHREST) is recognized for 5 minutes.

(Mr. GILCHREST addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO FRANK WALKER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, as a member of the House Resources Subcommittee of National Parks, I have had the privilege to visit many of our Nation's National Parks. From my own personal experiences, I have come to love the beauty of these parks and am grateful for the recreational opportunities they have to offer. Over 100 years ago, our predecessors displayed historic vision and took a bold step forward in a quest for protecting our Nation's natural wonders.

On March 1, 1872, Congress established the Yellowstone National Park, our Nation's first and still one of our most beautiful and pristine national parks. President Theodore Roosevelt strengthened our Nation's conservation system through the Antiquities Act of 1906, creating 18 national monuments by the end of his presidency, including the beautiful cliffs of Mesa Verde National Park in southwestern Colorado, Arizona's Petrified Forest, and our own natural wonder, the Grand Canyon. These monuments laid the groundwork for our current park system, a vision completed in 1916 as President Woodrow Wilson established the National Park Service.

There are thousands of individuals in the National Park Service as well as volunteers like Friends of our Parks, who dedicate their talent and lives to our National Parks. Without all of their hard work and dedication, our National Parks could not retain their immaculate beauty, nor could they continue to provide critical habitat for our nation's world-renowned wildlife. It is because of the work of these individuals that I, as well as my children and my grandchildren, will be able to enjoy the Park System. Today, there are 390 National Parks throughout America, with at least one in nearly

every state and U.S. territory. These parks attract over 280 million visitors every year, for their beauty and their recreational opportunities. These figures far exceed any expectations that Presidents Roosevelt and Wilson may have had. Our National Park System is truly a triumph of American vision and commitment to responsible stewardship of our unparalleled natural heritage.

I rise today to not only emphasize the importance of our National Parks, but also to honor those who work to protect these invaluable resources. I would like to especially commend Frank Walker, who I recently met while on my family vacation to Yellowstone National Park in early August. Frank has dedicated over 39 years of his life to protecting our Nation's historical National Parks.

An avid outdoorsman and wildlife lover, Frank studied biology at the New Mexico State University. He then embarked on his career and years of service as a seasonal ranger at Yellowstone National Park in 1967, and he received his first permanent position in 1970, serving as a park technician at the White Sands National Monument in New Mexico. His success and dedication continually earned him challenging and rewarding positions all over the country. Frank has worked at the Jefferson National Expansion Memorial in Missouri, the Gulf Islands National Seashore in Mississippi, the Fort Clatsop National Memorial in Oregon, the Nez Perce National Historical Park in Idaho, and the Saguaro National Park in Arizona. After working for over two decades outside the prestigious Yellowstone National Park, Frank returned to Yellowstone in June 2001 as the Acting Superintendent, and he was promoted to his current position of Deputy Superintendent in February of 2002.

Frank has rightfully received numerous awards for his hard work and dedication to protecting our Nation's resources. These awards include the Interior Meritorious Service Award, the General Council Award from the Nez Perce Tribe, the Vail Partnership Award, the Western Region-Superintendent's Award for Cultural Resources Stewardship, and in 1985 the Southwest Region's Freeman Tilden Award.

Just as these awards have done, I want to honor Frank here today. I wish to congratulate him on his retirement and thank him for his life's dedication to our Nation's parks. It is because of his work, and the work of his colleagues, that America's resources will be enjoyed by future generations. I wish Frank and his wife, Judy, his two sons, Mark and Phillip, and his daughter, Kathy, all the luck and well-being in the future, and it is my hope that his work will inspire others to continue to protect our National Parks and other natural resources.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

(Mr. LEWIS of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FORBES) is recognized for 5 minutes.

(Mr. FORBES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BARTON) is recognized for 5 minutes.

(Mr. BARTON of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. WAMP) is recognized for 5 minutes.

(Mr. WAMP addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

9/11 TRAGEDIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 60 minutes as the designee of the majority leader.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, we have seen these past few days events to remember the tragic incidents of September 11. And, frankly, when we were reliving that tragic day, among the many things that crossed my mind was the realization that thousands of Americans died. Thousands of Americans died in their place of work for the simple sin, their only crime being that they were free people who live in a free country. They were people who love freedom, and their only crime was that that morning, like every other morning, they went to work so that they could help their family, they could feed their children, they could pay their bills, and they could continue to live and prosper in freedom.

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Mr. Speaker, 9/11 was not the only attack against America. It was the largest attack, the terrorists' most successful attack against America, but by no means was it the only attack or the first attack against America.

The problem, Mr. Speaker, however, was that America did not realize until that horrendous wake-up call of 9/11 that there were a number of radicals around this world who had already for a generation declared war. They had declared war against the United States and our allies for the simple reason that we live in freedom, that we cherish freedom, that women can work and live in freedom and have equal rights to men. For those reasons, there is a group of people who declared war against the United States. Not only did they declare it verbally, as they did, but they did so in actions. And again, we just didn't wake up to that realization.

When President Jimmy Carter withdrew the United States' support from the Shah of Iran, in essence facilitating and allowing the Ayatollah Khomeini to take power in Iran, he didn't realize the type of enemy we were dealing with.

More recently, in February of 1993 when the first bombing of the World Trade Center took place killing six people, the United States didn't realize who the enemy was, and we didn't fight back. But the killers persisted in trying to kill Americans.

In October of 1993, in Somalia 18 valuable, decent brave American soldiers were killed. Osama bin Laden later personally claimed credit for organizing the Somalia fighters. We didn't fight. On the contrary, we withdrew immediately from Somalia. I will quote what bin Laden said about our withdrawal. He said, ''America exited, dragging its tail in failure, defeat and ruin. Caring for nothing, America left faster than anyone expected.'' Again, we didn't fight.

In June 1996, a truck bombing in the Khobar Towers barracks in Saudi Arabia, killing 19 Americans and we did nothing. We did not fight back. But the killers were not content. They kept trying to kill Americans.

And then in August 1998, the bombing of the U.S. embassies in Tanzania and Kenya where 224 people were killed, including many Americans, we didn't fight back. We did nothing.

In December 1999, the plot to bomb the Millennium celebrations in Seattle that was foiled when custom agents arrested an Algerian person smuggling explosives into the United States. The killers continued to persist, and we were not fighting back.

And then of course the tragic bombing of the USS *Cole* in the port of Yemen where U.S. 17 sailors were killed, and we did not fight back. But the killers were not satisfied and they continued to persist.

And then of course we got the big wake-up call, September 11, 2001, the destruction of the World Trade Center, the attack on the Pentagon where a total of 2,992 Americans were murdered on that horrendous day. Finally, America woke up to the realization that there had been a war declared on our country and our way of life and it was time that we fought back, that we started bringing justice to those terrorists wherever they may be so we would not have to fight them here on our streets, so we would not have to deal with another September 11 or another World Trade Center explosion like the first time or another attempt

on the celebrations like those in Seattle.

America started fighting back finally because we found out that these killers are not going to stop if we don't fight because that is what we always did. We didn't fight back. In many cases we withdrew. Did that appease them? No. It emboldened them, like bin Laden said.

After that then, after September 11, this President and this Congress decided to fight back and decided to remove the Taliban from power. Our brave men and women in uniform have done an incredible job under the most difficult circumstances and removed the Taliban and that which was a state sponsor of terrorism is no longer a state sponsor of terrorism, and there is a struggling democracy that is gaining ground and taking root in that land where al Qaeda used that land to plan the horrible events of 9/11.

Also on a bipartisan vote of this House and the Senate there was a vote to basically remove a state sponsor of terrorism and a threat that was Saddam Hussein. Let me read a quote from December 16, 1998 about why Saddam Hussein was dangerous and what the bipartisan attitude here in Congress was. ''The hard fact is that as long as Saddam remains in power he threatens the well-being of his people, the peace of his region, and the security of the world. The best way to end that threat once and for all is with a new Iraqi government, a government ready to live in peace with its neighbors, a government that respects the rights of its people.''

That was not President Bush that I quoted, that was President Bill Clinton that I quoted when he mentioned the only way was to remove Saddam Hussein.

Let me read another quote on how Congress and the country was united against international terrorism. ''Saddam Hussein in effect has thumbed his nose at the world community, and I think the President is approaching this in the right fashion.'' That is Senator REID, the now-minority leader in the Senate.

Let me give another quote about how the country felt in a bipartisan, unified, united front against international terrorism and against that state sponsor of terrorism that was Saddam Hussein. ''I can support the President. I can support an action against Saddam Hussein because I think it is in the long-term interest of our national security.'' That is a quote from NBC Meet the Press, Senator HILLARY CLINTON. There was bipartisan support because there was a realization that Saddam Hussein was so dangerous.

One last quote, Mr. Speaker. This is I think a very powerful quote. ''It would be unrealistic, if not downright foolish, to believe we can claim victory on the war on terrorism and a more secure world if Saddam Hussein is still in power 5 years from now.'' That sounds like I plagiarized President Bush; but no, that was by Senator JOE BIDEN in February of 2002.

Again, as Senator JOE BIDEN said, and I think it is worthwhile reading that quote again. He mentions that we cannot claim victory, in his words, he says, ''the war on terrorism and a more secure world if Saddam Hussein is still in power.'' JOE BIDEN understood that Saddam Hussein, a state sponsor of terrorism, the leader of that terrorism, had to go for our national security and for the fight, as he said, against international terrorism.

It saddens me to see now how the very same people who I just read their quotes who were so united, who so supported this country's efforts in the fight against terrorism, including in the fight against Saddam Hussein, recognizing that he was a major state sponsor of terrorism, where Senator BIDEN says we cannot win or claim victory. And I will quote him again. ''It is unrealistic, if not downright foolish, to believe that we can claim victory on the war on terrorism and a more secure world if Saddam Hussein is still in power.''

Yes, that was the consensus. So what happened? I keep hearing now the country is divided. But the President has not changed his tune. The President agrees with what these fine Members of Congress from the other party said and believed and were sure of because they were right then. The United States is the source of good for the entire world. For all of the oppressed people, we are the source of good and the source of light, the beacon of light for the entire world.

When you had a regime like the Taliban or a regime like Saddam Hussein, it was a threat to our national security, as Senator CLINTON said and as Senator BIDEN said and as Senator REID said. But all of a sudden, when things get a little bit more difficult, then all of a sudden, oh, everything they said, everything they believed in, year after year, is thrown out the window because it is election season, because it is an election year.

The reality, Mr. Speaker, is that we are at war. The reality is that we have people, men and women in uniform, in harm's way doing an incredible job. The reality is we are winning the war against terrorism, against these evil thugs who murder, have murdered and would like to continue murdering Americans if they could.

I would like to talk about some of the many accomplishments, which is why we have not had another attack on U.S. soil despite the attempts of the terrorists because of what this Congress did under the leadership, the Republican leadership and the leadership of the President.

But before I go into more detail, I would like to yield to a man who is a leader on the fight for human rights anywhere around the world where human rights are violated, the gentleman from Tennessee (Mr. WAMP). It is a privilege to have you here, sir.

Mr. WAMP. I thank the gentleman for yielding, especially given the relationship I have with he and his brother because I am the middle of three sons. I have brothers on both sides of my life, and I know the bond between brothers and it is a privilege to serve with you and your brother and to fight the good fight with you.

Before I begin talking about the threats we face, the vulnerabilities that we have, and frankly the courage of the men and women in uniform that stand in harm's way on behalf of a very grateful Nation, let me first honor the sacrifices of September 11.

I was here with the leadership on the steps Monday night when a bipartisan group of Members of the House and Senate came together with extraordinary unity again to honor what happened because one of the great things I came away with on September 11 and that whole experience is that love overcomes fear, and really the only more powerful thing in the world than fear is love. Our country came together in a remarkable way. I feel even the greatest generation, which set the standard for sacrifice and courage in our country, was impressed with the bravery and the willingness to lay their life down of all of the first responders that entered burning buildings following the scriptural call that says, ''No greater love hath any man than to lay down his life for a friend,'' and in this case lay down their life for people they never knew or would know.

We saw extraordinary heroism in the wake of September 11. That is what the character of this great Nation is all about. Just like in our own personal life, we gain our character out of these struggles. And boy, this has been a struggle. But I just want to pay tribute to all of those first responders. It seems that we still don't fully appreciate the heroism of men and women in uniform. It is not just soldiers, sailors, airmen and Marines, it is those first responders at the local level that have now stepped up in an amazing way, and so we pay tribute to that as we begin.

But I came last week on Wednesday night and talked about the threats and specifically jihadism, which is really the great threat. As I was preparing some notes to come over tonight, I saw a scroll on Fox News that today the Pope spoke out and condemned fanaticism in the Islamic world and said we must be careful of this call for a holy war. I don't want to paraphrase the Pope, but I am really grateful to see that because I asked the question when we are looking at jihadism, or what they call in other countries the Islamists, which are the radicals in Islam that promote jihadism, waging war against anyone who doesn't believe as they believe, my question for all of the religious leaders in Islam is: Where are the mullahs?

□ 2115

Where are they in condemning suicide bombers and condemning this kind of violence and condemning this full-scale assault on people and nations

that do not agree with them on their world view? That is the enemy, jihadism.

Last week I talked about how it is spreading like wildfire through Great Britain and Europe. A book called ''Londonistan,'' talking about how jihadism has spread in London and Great Britain, calling even members of the Parliament like George Galloway by name in the book, and then his name surfaces in the conversation of the 24 hijackers who were apprehended just a month ago; talking about a book called ''While Europe Slept'' about other European countries that have, in the name of tolerance, just almost ignored the incredible rise of jihadism throughout Europe, and how this is a rampant problem.

Today I wanted to bring some more information to the floor from other writers that I have come across that I think is helpful.

The American Enterprise Institute, which is not exactly a conservative bastion or defender of this administration, one of their top analysts writes this, and I think it is instructive. Hamas and Hezbollah see themselves as part of a global movement of jihad. Hamas is, in fact, the Palestinian arm of the Muslim Brotherhood, founded in Egypt, with affiliates across the Muslim world. Although the Muslim Brotherhood in Egypt renounced violence in order to survive fierce government repression, it supports violence and terrorism in other places. Hezbollah was founded by Iran. These groups take pride in being the brothers and comrades-in-arms of the terrorists who attacked New York, Washington, London, Madrid, Bombay, Bali; and they celebrated when those atrocities happened.

As they also say, quite openly, they are aiming to establish a new caliphate that would create what they view as the golden age of Islam, and they want this caliphate to rule over all the lands of the Muslim empires of the past, from Morocco in Spain to the west, to the Philippines in the east, taking in the southern half of Europe, the northern half of Africa and most of Asia.

Now, as I said last week, we intercepted a letter between Zarqawi and Zawahiri before we killed Zarqawi. In that letter, it says exactly this, use the infidels', us, presence in the Middle East, to expand the caliphate, revive the caliphate, and they said in the letter, from Morocco to Indonesia, this same extraordinarily large territory, which they considered their rule, their empire.

So, if anyone is naive enough to think that this is all about our presence in Iraq, they are in denial. They are simply not wanting to face the facts of the threats of jihadism spreading around the world. That is really the enemy. We talk about a war on terror, but terror is a tactic used by the enemy. The enemy are the jihadists, and this is an aggressive plan. The Wall Street Journal editorialized 2 weeks ago and said that some people have an aversion to conflict. We just don't want to face this.

I mean, 5 years after September 11, in amazing unity, and I am grateful for that, in a bipartisan way we gathered. But some people that gathered don't want to face the facts that these threats are growing. History will sort out what caused it to grow and whether things that we have done or said aggravated it. But the truth is, it is a real threat.

You know, Mr. Speaker, a very prominent Tennessean, the former Vice President of the United States, he has a movie out called ''An Inconvenient Truth.''

I am glad that we talk about global warming. We had a great hearing today on it and talked about nuclear energy. Even the founder of Greenpeace reported today, at our hearing, the concept of nuclear energy to reduce CO_2 emissions to clean up the global air quality and save the planet. Nuclear energy is a solution. We need to face that.

But I want to tell you about another inconvenient truth. It is an inconvenient truth that over half of the Democrats in the United States Senate voted to remove Saddam Hussein by force, and almost half the Democrats in this House voted to remove Saddam Hussein by force, and now a whole lot of them are wanting to either leave early or publicly tell the world that it was a mistake.

Now, let me tell you, when you vote to do something, you need to understand when you vote to remove Saddam Hussein, a dictator, a tyrant, a genocidal mass murderer, who had invaded other countries and had built up its guard around Baghdad to protect his empire, that it is not going to be easy, and it could be tough. It could require extraordinary sacrifice and we, as a Nation, voted to do it, and it is an inconvenient truth for them that they voted to do it, because it would be real easy just to erase that and say, oh, I don't have anything to do with that. But we agreed to do it, and why can't we, any more in this country, stand at the water's edge together when men and women are in harm's way on our behalf at this critical moment in history.

Now, let me just get to our vulnerabilities. Maybe I should come back to our vulnerabilities.

Mr. MARIO DIAZ-BALART of Florida. If I may, I would like to, because I think the gentleman from Tennessee brings up some really, really important points, I guess that some of the fine men and women on the Democratic Party side believe that if we just went away, if the United States just left the Middle East, I assume that would be stop supporting Israel, I don't know.

But if we just pulled back from the Middle East as some have said, some have said we should pull back to Japan, to Okinawa, which, by the way, in military terms for the Navy is farther away than the Navy yards here in Virginia. So in other words if we left there, if we were just good, if we just behaved, that these terrorists would leave us alone, that they would go away.

I mentioned a little while ago a list of attacks against America that were way before 9/11, way before we were in Iraq. But I guess some just believed naively that if we just left Iraq, just left Afghanistan, that everything would be hunky dory.

Yet, I think it is important to kind of listen to what our enemy is saying. When you have Hezbollah leader Nasrallah saying, ''Death to America,'' and let me quote him, regardless, this is a quote, regardless of how the world has changed after 9/11, after the 11th of September, death to America will remain a reverberating and powerful slogan. Death to America.

I guess some believe that he doesn't really mean it, that if we just, I don't know, retracted from the world that they would go away, bin Laden, who, by the way, very cleverly, started a media campaign to try to divide our country, very effectively, I might add. Let me quote you about that, by the way, what bin Laden said. He said, al Qaeda intends to launch a, quote, media campaign to create a wedge between the American people and their government.

He also said that the media campaign, and I am quoting him now, aimed at creating pressure from the American people on the American Government to stop their campaign. There are some that, I guess, because they are naive, are doing exactly, exactly what our enemy says that has to happen in order to defeat the United States, in order to defeat the United States.

Let us be very clear that the terrorists' aim, the aim of the terrorists is total destruction of the United States of our way of life and everything that we believe in. It is not because we may have been in Iraq; it is not because we support Israel. All those things, obviously, upset them.

But let me quote Osama bin Laden again, where he says, quote, the war is for you or for us to win, talking about the West. If we win, if we win it, it means your defeat and disgrace forever. That is how they think.

So I don't understand how, when there was such a consensus, how everybody understood that, how the terrorists continue to do the same thing, how to kill Americans, but because of the efforts of this President and this Congress, they have not been able to do so here, and the terrorists continue to say what they are going to do.

How is it possible that some refused to listen, like I guess happened in the 1930s, when some refused to listen to Winston Churchill when he said there is an evil out there, the Nazis. They are not going to go away, we have to confront them.

So I kind of pose that as a question to my colleague from Tennessee, because I don't get it, I don't get it. How

much clearer can the actions and the words of the terrorists be before some of our men and women get it, understand it. Realize that we are not the bad guys, we are the good guys. It is the terrorists that we are fighting, and they are not going to stop, they are not going to go away if we just send our troops to Okinawa and Japan and pretend that they no longer exist. I mean, I don't get it.

Mr. WAMP. I think it was General Casey who said if we leave Iraq prematurely, they will follow us home. I will finish what the American Enterprise Institute analyst said about this presence in Iraq. He said jihadists from around the world have flocked to Iraq to fight America and its allies. They believe they will win and drive the infidels from Mesopotamia, the name they use to emphasize that they have no regard for modern national identities.

If they succeed in Iraq, they say they will use it as a base from which to conquer the rest of the lands surrounding the Persian Gulf, a jumping off point for further conquest. In Time magazine Sunday, Max Boot writes this. He says, if we believe that wholeheartedly supporting friendly dictators works, we should remember that our support for the Shah of Iran in the 1970s and Yasser Arafat in the 1990s has taught us that secular strongmen cannot keep the lid on forever.

Either we push for change now, or we risk a fundamentalist explosion later on, and we need to be honest with the American people, to my friend from Florida, and let the people know that we have difficult days ahead. I have been on the Homeland Security appropriations subcommittee for 4 years. I have been briefed at the highest level. I have been to the United Nations, I have met with our allies from Europe and the Middle East.

I have got deeply into the issue of the nuclear threats and how terrorists are very interested in the A.Q. Kahn network, an international nuclear arms broker who is now, frankly, under house arrest in Pakistan, and how Libya gave up their nuclear weapons. The greatest threat of all is that these jihadists are able to get a nuclear weapon. We had better emphasize our security for the future of the free world.

Mr. MARIO DIAZ-BALART of Florida. Look, it is clear who our enemy is. It is clear that they have been there before Iraq, before the liberation of Iraq. Before Afghanistan, they were in Iraq. They have killed Americans for a generation. They are not going to go away if we just wish them to go away. But luckily we have had some great success. Is there a reason why there has not been an attack on American soil?

To talk a little bit about that, I would like to recognize a person who I greatly admire from the great State of New Jersey, but Mr. GARRETT has been a leader, particularly on cutting government waste, on fighting for the little guy for small business. I would like to recognize him. Maybe he could tell us a little bit about why we are succeeding, why we haven't had an attack. What is it that we have done that is working.

With that, I would like to yield to Mr. GARRETT.

Mr. GARRETT of New Jersey. I thank you for that. I thank the gentleman from Florida for bringing this matter to the floor tonight, and I appreciate your comment ''fighting for the little guy'' with regard to the economic issue, and I think we are all fighting for the little guy and the middle guy and the big guy in the sense that we want to have security here at home for America.

What I would like to do, if I may, just spend a couple of minutes speaking about some of the strides we have made in this country through the efforts of this House to make America stronger. I will touch on some of the comments made on the other side of the aisle where they are saying we have not made improvements, specifically in the area of port security.

I represent the Fifth Congressional District in New Jersey, the very top of the State of New Jersey. The people I represent in the Fifth District of New Jersey remember all too well the events of September 11. We live in the shadows, really, of the former World Trade Center as well as three major airports, the second busiest port in the Nation, Newark, and a number of national landmarks as well, such as the Statue of Liberty. So the threat of another attack in our area looms very large in our daily lives. Ensuring that government is doing its best to prevent terror attacks and prepare should the worst occur is more than just an important part of my work here in Washington.

It is a matter of life and death for my neighbors and fellow New Jerseyans. This last Wednesday I had the opportunity to tour Newark Seaport, along with U.S. customs and border protection officials. Basically, I went there to assess current procedures and technologies, since I had been there several years before, to see what they are using now to detect and prevent future threats.

While I was there, there was obviously, still, always things that we can do to make our security more airtight. But what I saw on this tour was encouraging, to say the least. You know, terrorists consistently alter their techniques and targets that keep Americans guessing where and when they might attack next and where we might be most vulnerable.

□ 2130

So that means that we must remain one step ahead of them in every facet, and the funding we have allocated towards port security has really gone a large step in that direction.

When we awoke to the very real dangers of the contemporary world on September 11, 2001, you can say we were shocked to discover the dangers hidden in our unsecured trade infrastructure. But today we have a layered approach to port security that has significantly increased our safety, an approach that is improving daily with the development of new tools, new technology, new methods to ensure that our trade is safe, yet as efficient as possible.

Right now, and I want to make a note of this, right now 100 percent of all containers coming into ports shipped to the U.S. receive a risk assessment. Each and every container must have a detailed manifest that accurately depicts what is being shipped in it and we know who is sending it and receiving that container as well. We also have detailed data on their shipping habits in the past and we can prioritize our inspection efforts now.

So the threat of weapons of mass destruction in the past has led to the efforts to push our borders actually out past where our borders are, all the way back to where the manufacturers who are building those items come from, whether it is in another country or another continent, all those items that come into this country for our consumption.

We now have CBP officers at 44 ports around the world. That is up from zero prior to 2001. By the end of this year, CBP will have officers at 50 ports around the world. That represents 90 percent of all the trade bound for the U.S.

These officers work with the host countries there, and what they do is they inspect the containers before they are even loaded. Then there is radiation detectors at each of these ports to ensure that the trucks entering the port are scanned for the most dangerous of weapons.

As I said before, the terrorist seeks to exploit whatever our weakest link is and find the easiest way to find access to our Nation. Our allies and trading partners have recognized the great risk to worldwide trade posed by terrorists, and they are now volunteering with our Customs Trade–Partnership Against Terrorism Plan, that is the CT–PAT.

This effort allows us to work all the way back with the shippers, the manufacturers, to secure every aspect of trade, from the factory to the railcar to the truck all the way right here to our port. So by strengthening the security before even shipping items reach our stateside ports, we make our ports dramatically safer.

This goes to a point made on the other side saying that all the security at our ports now, when it comes to items coming into our country, are done at our ports. The fact of the matter is that is absolutely wrong, what they were saying. To reiterate, 44 ports around the world right now, it is going to be up to 50 by the end of the year, 90 percent of everything coming into this country.

After the attacks on September 11, the Federal Government invested millions of dollars into new technology to

enhance our port security. Scanning equipment that was unheard of literally 5 years ago is now installed and working in each of these ports. I have seen this stuff. It is amazing.

The latest scanning technology can not only detect radiation, but it can even determine what type of radiation is present within that container by simply a single sweep of that container. It is fascinating. If you are not an engineer, as I am not, it is just amazing what they can do.

Now what they have is new technology, even newer than just a couple of years ago, and what they have done is replaced a three-step process down to a one-step process. So now the entire scan is done in one step, not three, and what this does, of course, is give the agents even more time to scan more containers.

In the State of New Jersey, where I am from, we are fortunate to have Rutgers University. What our university has done through Federal funding is establish a multi-disciplinary Port Security Laboratory and research facility, which I had the opportunity to look at as well. They are using homeland security funds to develop still better detection systems for the future in tracking container ships.

There are also private companies out there as well, besides universities. One such company is SI International. This company, that I had the opportunity to check out as well, they are engaged in some of the most amazing and greatest advances in military technology and they are turning to homeland security that I have ever seen or any of us have seen before, coming up daily with better innovations.

So I sit back not as an engineer just to marvel at this and I applaud all of the brilliant minds for their efforts to make Americans safer. As one Member of Congress, I sleep a little bit better knowing there are great minds out there that are working on these projects from a technical point of view.

We have come great strides, made great improvements since 9/11, and it is in part because of the actions of this House. Just recently, as you know, we have invested $1.2 billion in further appropriations to go for the Security and Accountability of Every Port Act to make sure all the ports have the latest in technology, training and personnel at them.

We must agree here today that we will continue to ensure that our homeland security officials have those resources to prevent future terrorist attacks from using our global trade system ever to take lives of Americans again.

With that, I appreciate again your efforts here on the floor tonight, and applaud your work.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I want to thank the gentleman from New Jersey for bringing up those important points. The ports are such a huge part of our economy and the steps that have been taken to strengthen our ports.

But there is so much more that has been done, the funding for the first responders in homeland security. Through a variety of programs, these are amazing programs. Over $30 billion in Federal funding has been allocated for the first responders since 2001.

The U.S. PATRIOT Act of 2001, which was reauthorized recently, which is obviously a key tool in preventing another domestic terrorist attack. By the way, that was a bill that was reauthorized, and 156 House Democrats voted to oppose the reauthorization of that essential tool to fight terrorism here, so the terrorism doesn't hit us here specifically.

So much more. The Homeland Security Act of 2002, which established the U.S. Department of Homeland Security as an executive department of the U.S., and tasked that department with preventing domestic terrorist attacks. That was opposed by 120 House Democrats who voted no against the creation of that department to protect the homeland against domestic terrorist attacks. Thank God, thank God, the majority prevailed and that took place.

The SAFE Port Act the Congressman just mentioned. The Intelligence Reform and Terrorism Prevention Act of 2004, which made important reforms in the intelligence community, including the creation of the Director of National Intelligence to coordinate and oversee all intelligence-related gathering. A huge issue that this Congress got done, which is why we are a little safer.

Project BioShield, which delivered $5.6 billion, with a B, to enhance research and development and procurement and the use of biomedical countermeasures to keep us safer.

There are so many other issues that we have done, which is why America is safer now than it was before 9/11, despite the fact that many of those key pieces of legislation, the Democrats opposed them every single step of the way. They always opposed them. But we have to do more, such things as emergency communications, which we have to do better at.

The reason we have to do more, Mr. Speaker, is because the terrorists, they are not this little rag-tag group of people. They are organized. They are funded. They are out there. As a matter of fact, I understand there is a number of them meeting, state sponsors of terrorism, that are meeting really close to our shores here off the United States.

To give us an idea of who they are and what they are doing and how we have to be vigilant, I would like to now recognize the vice chairman of the House Rules Committee, the gentleman from Florida, Mr. LINCOLN DIAZ-BALART.

Mr. LINCOLN DIAZ-BALART. Thank you very much. I want to commend you and all of the distinguished colleagues who have spoken in this hour on this special order on this ultimately important matter, especially always important, but especially in this week when we recall one of the greatly tragic dates in our history.

There have been other dates in our history that have been tragic, but in terms of an attack on unarmed civilians, September 11, 2001, is without precedent in terms of not only the cruelty with which harm was inflicted that day upon thousands of families, upon our great Nation, but in a cowardly way, in this way of unfortunately the new war, the war upon values, the war upon our way of life, the war where civilians are not only fair game, but the primary objective of the enemy.

We have to learn from history in order to be able to act as effectively as possible to protect the homeland. We have to learn from history. Sometimes we even have to learn from the strangest sources, most unorthodox sources, the animal kingdom. The ostrich, for example.

The ostrich, when in fear, adopts a curious position. It hides its head in the soil. Not only by doing so does it adopt physically a peculiar position, but it diminishes its security by doing so because it has not the ability to see what is happening in its surroundings.

So even from sources as unorthodox and unexpected as the animal kingdom, specifically with the ostrich, we have to learn, because I would maintain, always respectfully, that some have adopted the position of the ostrich with regard to political positions and positions with regard to public policy, even as important as with regard to our national security. Hiding our heads in the soil, in the sand, to avoid seeing the fact that we have many enemies, is not an appropriate, not only physical position, but one that is conducive to security.

On the contrary, we have many enemies. In recent history the enemy was acting with impunity. When the enemy acted in 1993, I remember I had just arrived in this Congress, Mr. Speaker. I had just arrived and we were meeting.

I remember the Speaker-to-be Newt Gingrich, who at that time was not yet Speaker, was addressing us in a retreat in February of 1993. I had just arrived the previous month to this Congress. As he spoke, the news arrived about a dreadful terrorist attack upon civilians in New York City. I recall how then Congressman Newt Gingrich, who was to be the Speaker in the next Congress, addressed us and very calmly and with great wisdom told us that we were living in a new era, an era that included the savage attacks upon unarmed civilians by cowardly enemies. February 1993.

The reality of the matter is that the enemy saw that it could act with impunity. And the years passed, and the enemy attacked again with impunity. And the enemy attacked again with impunity, attacked American embassies in different countries with impunity. The enemy went so far as to attack a vessel of the United States Navy, killing many sailors of the USS *Cole*, inflicting great harm upon the United States.

The enemy acted with impunity. The enemy was convinced that it could continue to act with impunity, so it organized what became the most horrendous attack upon unarmed civilians in the history of the United States.

□ 2145

And the enemy was convinced that it could continue to act with impunity. The enemy miscalculated because a new day had arrived in the United States of America and thus a new day had arrived in the world. The free world led as it is, and it must be by the United States of America. The enemy miscalculated.

So from where the enemy had prepared the most horrendous attack upon civilians in history, thousands of miles away in terrorist training camps in a desolate country with a great people and a great history but a country that has suffered much, in Afghanistan.

The enemy was convinced that geography, distance, and history, especially the lessons of recent history, would continue to protect it. But a new day had arrived, and, of course, the enemy did not act on September 11, 2001, with impunity. It acted in a cowardly way but not with impunity. And the United States of America, led by the Commander in Chief, attacked the enemy in Afghanistan and subsequently attacked the enemy in Iraq.

And today the reality of the matter is that those who would like to and who dream and who, if they can, they actually plan to attack unarmed civilians in American towns and cities, those terrorists to a great extent today are occupied, trying to defeat, trying to inflict damage upon the United States Armed Forces in Iraq and our allies in Iraq, not in American towns and cities. And the fact that there has been no attack upon American civilians, American towns and cities for 5 years, the anniversary that we commemorate this year, is not by chance nor is it by luck. It is by hard work.

Mr. GARRETT, I am so glad that he spoke, whom I admire so much, like Mr. WAMP, who is here also. And Mr. GARRETT talked about the actions of this Congress. I was tasked by Speaker HASTERT in the last Congress to chair the subcommittee of the then temporary Homeland Security Committee that Speaker HASTERT created. I was tasked with the job, a difficult job, among the most difficult jobs I have ever had because it is always difficult when you are dealing with committee chairmen and jurisdiction. It is a very difficult task. But he asked me to help him to create a permanent Homeland Security Committee. And in the last Congress that was what took up most of my time, and we succeeded, with the leadership of Speaker HASTERT and with the help of the majority of our colleagues. We succeeded. We created a permanent Homeland Security Committee.

And we have taken other steps that Mr. GARRETT outlined, the PATRIOT Act and its reauthorization and many other steps, to try to make the homeland, the people of the United States of America as secure as possible. And we are more secure. We are safer today than we were 5 years ago.

But when we see, as was pointed out, and it does not surprise me, but it is very rare to see the media talking about the fact that 90 miles from the shores of the United States this week, celebrating the fifth anniversary of 9/11, all of the state sponsors of terrorism throughout the world have gathered, and they are now gathering, receiving instructions and receiving orientation and inspiration from themselves and coordinating. They are today 90 miles from the shores of the United States. I think it is called, under the umbrella of the United Nations, the Summit of Nonaligned Countries. How interesting. Nonaligned.

You have Mr. Ahmadinejad, who does not stop in his extraordinary pursuit of the atomic weapon and publicly says that he wishes to wipe from the face of the map a democracy and friend of the United States, Israel. You have Mr. Ahmadinejad now receiving inspiration as we speak, receiving inspiration and guidance from the other state sponsors of terrorism. And, of course, the state sponsor of terrorism with all that experience, the dictator in Havana with 47 years of experience exporting terrorism, attacking the United States of America in every form and every way possible as long as he can protect his totalitarian power.

Mr. Ahmadinejad is there now, as is Mr. Chavez and all of the other state sponsors of terrorism. They are there. The North Koreans, the Syrians. You name them, Mr. Speaker, they are there.

So the enemies, our enemies, the enemies of freedom, they haven't stopped in their efforts. So we must not stop either, working to protect not only the national security of this great land but the security and the safety of the people of this great land and of all of the freedom-loving people in the world as we work to expand that sacred right of freedom that all people are entitled to, including those who are oppressed by those state sponsors of terrorism. They may be oppressed by totalitarian states, but they have freedom in their hearts and they long to be free, and they deserve our support and they always will have it.

I appreciate your convening us this evening on this ultimately important subject.

Mr. MARIO DIAZ-BALART of Florida. I thank the gentleman from Florida.

He mentioned how America had been attacked so many times with impunity, and yet some in this country still do not understand that we are at war. But listen to what our enemy is saying. Bin Laden calls the war against terrorism in Iraq the Third World War, and yet some in our country still refuse to admit that we are at war.

And he talks about how in Iraq the whole world is watching this war and the two adversaries, the Islamic nation on the one hand and the United States and its allies on the other. And he goes on to say, Mr. bin Laden does, it is either victory and glory or misery and humiliation.

What is hard for me to believe, though, is that Members of this body and of the Senate, and I think it is very important to be respectful of this institution, but there is a Member of the Senate who said that it would be unrealistic, if not downright foolish, in other words, you would be a fool, to believe that we can claim victory in the war on terrorism and a more secure world, that you would be a fool, according to this prestigious, recognized Democratic leader, if Saddam Hussein is still in power. You would be a fool is what Mr. BIDEN said. And yet now how is it possible?

I would never say that those who said that and now have changed their minds are fools. But that is what Mr. BIDEN said. You would have to be a fool to believe that Saddam Hussein could have stayed in power and we could have been victorious in the war on terrorism. And I have a hard time believing how they don't unite with the President of the United States to support our troops on the field while we are at war.

Mr. Speaker, I will now yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Speaker, I thank the gentleman for yielding.

And I will take us through the balance of our hour here in just a couple of minutes. I want to make myself perfectly clear as we close.

The enemy is not the Democratic Party. The enemy is al Qaeda, Hezbollah, Hamas, the jihadists. They are the enemy. Our opponents here in this very healthy discussion are the Democrats. But I have to say I believe deep in my soul that the members of the minority party in Washington who believe that we should pull out of Iraq by a date certain are wrong. Senator LIEBERMAN is right; Ned Lamont is wrong. And there is disagreement in their party over this, but it is a matter of life and death, war and peace, tyranny and freedom; and Ned Lamont and that mentality is wrong. We cannot afford to fail in Iraq.

I also want to talk about our vulnerabilities briefly. The border is a vulnerability. We had testimony yesterday by Duncan Hunter, the chairman of the Armed Services Committee; and Harold Rogers, my chairman of Homeland Security appropriations, about how the southern Border is being infiltrated by people not just from Mexico and Central America but from all over the world; and it is a vulnerability for us.

But I want to say it goes unreported, underreported that tremendous progress has been made, especially in the last 12 months. We heard the testimony yesterday, crystal clear, we now do not catch and release. Ninety-nine

percent last month, certified, illegals coming across the border were detained and held to be returned to their country of origin, and the word is out. That is a tremendous deterrent, and the numbers are way down of people coming across the border. The fence below San Diego, two tiered, is making a big difference. The National Guard is making a difference. Billions of dollars having been spent is making a difference. As you heard the gentleman from New Jersey say, our ports are more secure. And most importantly, we are in the intelligence business again because that is why we failed prior to September 11.

And I want to close with this for our troops: John Stuart Mill said this: ''War is an ugly thing, but not the ugliest of things.'' He said: ''The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse.'' He said: ''The person who has nothing for which he is willing to fight, nothing which is more important than his own personal safety, is a miserable creature and has no chance of ever being free unless those very freedoms are made and kept so by the exertions of better men than himself.''

And those people are our soldiers, sailors, airmen, and marines. And we hail them and thank them for their courage and their sacrifice.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6061, SECURE FENCE ACT OF 2006

Mr. SESSIONS (during Special Order of Mr. MARIO DIAZ-BALART of Florida), from the Committee on Rules, submitted a privileged report (Rept. No. 109–653) on the resolution (H. Res. 1002) providing for consideration of the bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR THE ADOPTION OF H. Res. 1000, PROVIDING FOR EARMARKING REFORM IN THE HOUSE OF REPRESENTATIVES

Mr. SESSIONS (during Special Order of Mr. MARIO DIAZ-BALART of Florida), from the Committee on Rules, submitted a privileged report (Rept. No. 109–654) on the resolution (H. Res. 1003) providing for the adoption of the resolution (H. Res. 1000) providing for earmarking reform in the House of Representatives, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL 2 A.M., THURSDAY, SEPTEMBER 14, 2006, TO FILE REPORT ON H. Res. 1000, PROVIDING FOR EARMARKING REFORM IN THE HOUSE OF REPRESENTATIVES

Mr. SESSIONS (during Special Order of Mr. MARIO DIAZ-BALART of Florida.) Mr. Speaker, I ask unanimous consent that the Committee on Rules have until 2 a.m. on September 14, 2006, to file their report to accompany House Resolution 1000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor coming before the House once again, and I must say that I am excited about being here tonight. It is another great day in this great country of ours.

And as you know, the 30-something Working Group, we come to the floor to share with the American people, not just Democrats but Republicans, Independents, those that are thinking about voting, those that have been turned off by political processes who are thinking about being engaged in the political process once again.

To those Americans who are not registered to vote, I would encourage them to register to vote. They can still vote in the upcoming November elections because there is a lot being said on the floor, Mr. Speaker, and we talked last night, the 30-something Working Group. We took 2 hours last night talking about the initiatives that we have with our Real Security Plan, talking about the memory and the sacrifice of those that gave their lives on 9/11 and those that are still living with the effects of 9/11, whether it be losing a family member or a first responder or someone that worked in the World Trade Center or was around the plane going down in Pennsylvania or the Pentagon here in Washington, D.C., those that are still living through it.

Today we had a resolution on the floor, Mr. Speaker, that dealt with addressing the memory of those that lost their lives on 9/11 and things that we have to do. The Republican majority found it fit to kind of put in a resolution about some things that they thought that they accomplished as it relates to making America safer. Some of that I join with them on as an American and as a Member of Congress, but a lot of it has not been achieved.

□ 2200

We have the 9/11 Commission Report that came out that said that we have to not only inspect 100 percent of cargo containers that are on ships and 100 percent of those cargo containers that go in the bellies of airplanes that are flying throughout the United States of America, it is still not accomplished today. We still have a dismal amount of Border Patrol officers to protect American borders. Democrats, we have asked for 2,000 Border Patrol officers; the President's budget request to this Congress was only 215 or 216 Border Patrol officers.

Now, the Republican majority can come to the floor night after night, day after day, do 5-minute speeches, 1-minute speeches, or take a special order and talk a good game. But I used to be a football player, Mr. Speaker, I played for Florida A&M Rattlers. I was an outside linebacker. And before the game, you would read all about what the other team is saying and all of the talking and taunting. And then you have folks that tailgate before the game, and the bus would roll in and they would talk about what they are going to do to us, and then the coach would talk about how better the other team is. But it really doesn't count until that whistle blows and that kickoff takes place and that you have an opportunity to get out there and hit somebody. And when you hit somebody and when you run the ball down the field and you end up winning the game, all of that talk was for naught.

But what is unfortunate about this situation, even though I use that analogy, Mr. Speaker, this is not a game, this is for real. This is flesh and blood. This is flesh and blood. And the bottom line is, is that one can come to the floor and talk about, well, you know, Democrats and this, that, and the other, and they are holding us back. What are we holding the Republican majority back from, Mr. Speaker? That is what I want to know. That is the prevailing question here.

The bottom line, the Republicans in this House have been in this control for double digit years. So who is holding them back? Now, let's talk a little bit about control. I want to make sure that every Member understands what control and majority means.

The majority means that any amendment, any bill, any appropriations that you want funded will be funded because you are in the majority. You have more numbers than the Democrats do at this particular time in the House.

Why are the American people saying that they want change? Why are the American people saying that they want to move in a new direction? They want to move in a new direction because they want accountability. They want oversight. They want Article I, Section 1 of the U.S. Constitution to be adhered to. They want to make sure that their vote counts here in the U.S. House of Representatives. Right now, it is just a lot of talk. And I can tell you, as a Member of the House and someone that studies what happens here on this floor and what does not happen here on this

floor, I feel it is my obligation not as a Member of Congress but as an American to be able to come to this floor and say that it is just not happening.

We can talk about the facts, and like we do every night we talk about the facts. We have the vote number, down to the vote number when we start talking about border protection. No one can come on this floor in the Republican majority side and say that we have done an outstanding job as it relates to protecting our borders, period, dot. They cannot because they have not done it, Mr. Speaker, and they know it.

So I guess spending the time of 9/11, the fifth anniversary, coming to the floor, having control of a resolution dealing with the issue on 9/11, you can put anything that you want to put in it because you have the majority. It doesn't necessarily mean that it is true. And if the Americans want to move in a new direction, they will have an opportunity. And as we start looking at this whole piece on a new direction and real security, you go on HouseDemocrats.gov. I challenge the Republican majority to go on HouseDemocrats.gov, I challenge the Republicans to pick up the Democrats' bill here on this floor that fully implements the 9/11 recommendations. I ask the Republicans to do that, because it was a bipartisan commission that is respected by this whole country, had a Republican chair and a Democratic vice chair, and had former Members of Congress, members of the Intelligence Committee, the National Security Director come before them and the President of these United States come before them, 9/11 survivors come before them, clandestine organizations that we have within the Federal Government come before them. We have a number of individuals that put forth testimony, frontline first responders that came before them, individuals in academia who have been looking at this issue of homeland security come before them, and they put forth this document called the 9/11 Report, which was a book. Americans can go out to Barnes and Noble or what have you and go out and buy it, go on Yahoo and buy it. It was ready and accessible, and a number of Americans picked up and read it. And in that book, in that text and body: Safety for America.

What do we do in a democracy when the Congress put forth in the Commission to find out what we need to do? We try to implement at least 95 percent or 100 percent of it. But as I stand here today, Mr. Speaker, very little of that has been implemented as it relates to real security.

The Brits ended up intercepting a plot as relates to liquid explosives. Just today, Mr. Speaker, I am the ranking member of the Oversight Committee on Homeland Security, Management Integration and Oversight, and I must say that that in that committee the Under Secretary said, well, we are now starting to do tests as it relates to liquid explosives, 5 years later, Mr. Speaker. Foot dragging process. And we start talking about the whole issue of how do we get technology involved and how do we get industry involved in helping us resolve threats to the United States, 5 years later.

Do you know why the Department of Homeland Security is foot dragging on this issue? It is the fact that they don't have Members of Congress that are willing to call them out on the carpet and say that we are willing to protect Americans now. We don't want to wait to be a Monday morning quarterback. Mr. RYAN, we don't want to talk about, well, you know, we could have, should have done it, and then we have another commission, it may not be named 9/11, it may be 10/11 that will come forth with a report saying that we found the Department of Homeland Security didn't prioritize the issue on liquid explosives because they felt that there were other threats that are out there.

Well, the bottom line is this: The oversight is not happening, and this Republican Congress has rubber stamped everything that President Bush has handed down and said, so shall it be written, so shall it be done. Let's do it the way you originally wrote it; we are not going to ask any questions, you are the President of the United States. Forget about our legislative responsibilities, forget about oversight, and forget about moving in a new direction.

The bottom line is this. The leader took this podium on this floor here today down in the well and said, if you really want to honor those individuals that have lost their lives on 9/11, if you want to honor those first responders, if you want to honor every American that is fighting abroad as it relates to Afghanistan and the war in Iraq, then implement what the 9/11 Commission called for.

We have got American passengers, we have individuals, law-abiding citizens taking off shoes, giving up hand sanitizer, gulping down water before they get through security screening; meanwhile, containers unchecked, unchecked, there can be 10,000 explosives in the container. We would never know it because we haven't prioritized. We haven't said that we are willing to implement what the 9/11 Commission called for. I don't want to give the 9/11 Commission an opportunity to say, we told the Congress to do it and they didn't do it. I wish they would say we told the Republican majority to do it and they didn't do it.

So, one can get on the floor and say all they have to say, but the facts are this. The fact is that they have not implemented the 9/11 Commission Report. They have not implemented making sure that we go beyond 6 percent of containers that are going throughout the United States of America on 18-wheelers. I used to be a State trooper. They move throughout this country, in the heartland of this country, into the ports of major cities, and they are unchecked. I don't want to be able to say I told you so. I want to see it implemented.

Now, Mr. Speaker, I said last night, Mr. RYAN, I am done with asking the Republican majority to do the right thing. They have had double digit years to do it. They don't have the will nor the desire to do it. But they do have the will to come to the floor, Mr. RYAN, and to try to say, well, you know, we are doing all we can and the Democrats are holding us back. How can we hold the Republican majority back from securing America? That is not possible when you are in the minority.

The bottom line is, is that Republicans, Independents, Democrats, those that are thinking about voting, those that have not voted in a number of years will show up at the polls to put this country in a new direction. If you allow this kind of landslide policy making, this K Street Project policy making, pay-to-play, here on this floor, then we are going to find ourselves in a dismal situation.

I don't have to say it. Republicans are saying it, Independents are saying it, the media is saying it as you pick up the paper, as you turn on the news. So, you know, it is not like this is a Democrat-Republican issue. I will go ahead and give the benefit of the doubt, Mr. Speaker, and say that there are some Republicans that see it the way that we see it on this side of the aisle that we need to do better by the American people. But, guess what, they are not in the majority; they are not in the leadership of the American Congress. They are not the individuals that move policy through this process. We have the will and the desire to work in a bipartisan way if given the opportunity to make sure that we honor our member and women that have served in the military, that are now serving right now. There are men and women that have sand in their teeth.

Mr. RYAN and I have been to Iraq, I have been to Afghanistan, I have been in the Middle East talking to these leaders, I have been to Central Command. I have been there in Qatar, and I have talked to these individuals, and they are dedicated and they have the will and the desire to follow up. But when we have a Secretary of Defense that is saying that he is going to fire the next person that starts talking about how do we move out of Iraq and how do we replace the force there to be able to empower the Iraqi people, I have a problem with that. And the only reason why Secretary Rumsfeld is not front and center in front of the Armed Services Committee is the fact that Republicans have control of this House; otherwise, there will be Article I, Section 1 of the U.S. Constitution that is blood, sweat, and tears that are on that Constitution right now that he will be front and center making a statement like that. The Secretary of Defense of the United States of America said, if one other person comes to him talking

about how are we going to have this transfer of power, how are we going to draw down and redeploy U.S. troops, that they are going to be fired. That is not a democracy, that is kingdom politics, Mr. Speaker. And I will tell you this. The only people that can bring the kind of paradigm shift that we need in America right now is the American people. We can't count on the Republican Congress to do it. They have already shown that they cannot do it.

The attacks on U.S. troops are well above 700 attacks a week and climbing. Al Qaeda is sending more troops, more individuals to Iraq to train to carry out terror throughout the globe. And the bottom line is, the President said some sort of statement yesterday. Well, you know, if we were to redeploy troops or we were to leave Iraq, then they will follow us to the United States.

Well, you know something? We have this big department that is called the Department of Homeland Security that is supposed to protect Americans. And I can tell you this, under a Democratic controlled Congress we have already said within the 100 hours that full implementation of the 9/11 Commission Report will be implemented by this House and the Senate. We have already said it and we will do it, just like we balanced the budget without one Republican vote.

□ 2215

Mr. Speaker, the facts are on this side of the aisle. The will and the desire is on this side of the aisle. I am excited. I thank God that He preserved life long enough for me to make it here tonight to be able to share the sentiments on behalf of those that are on the National Security Committee, on behalf of U.S. troops in Afghanistan right now that are saying, ''We need help.'' On behalf of those veterans, individuals who can't even walk straight right now, individuals that are still going through reflection, or memorizing what they went through in past conflicts. Those individuals in the PFWs, those individuals that possess what this country is all about and allowed us to salute one flag. On behalf of them, Mr. Speaker, I come tonight with the truth, to say we stand up for those individuals and for those Americans that prayed up our troops over the years: World War I, World War II. You name it. Korea. You name it. Grenada. You name it. Somalia. You name it. Gulf War I. You name it. We come to the floor on behalf of those individuals, those individuals who are veterans right now that have to wait twice a month for the veterans' assistance center to open, for the VA clinic to open in their rural America area, for those individuals that have to wait 4 months to be able to see an ophthalmologist, who served our country. We come to the floor for them. We come to the floor on behalf of those families that are praying for their loved ones that are in harm's way right now and making sure that we don't allow their sacrifice and their commitment to go to the side because someone came to the floor of the House to say that, Oh, well, yeah, we have al Qaeda and this, that and the other. We have to worry about those Democrats over there.

You don't need to worry about us, Republican majority. You need to worry about the American people and what they think and what they feel. And when they show up on Tuesday, come this November, they will let you know how they feel. They no longer want a rubber-stamp Congress. They want a Congress that is going to legislate and oversight on behalf of the American people, regardless of who they may be.

And so, Mr. Speaker, I am excited about being here tonight. I think I have said that about three times. I think it is important that we continue to come to the floor and give validation to those individuals that need the representation, if they are in our districts or not. They are Americans and they deserve it.

Mr. RYAN of Ohio. I appreciate the gentleman's passion and want to thank you for inviting me to be down here with you again.

I think what you are trying to say is that this Congress, this President, has really put us and the American people in a lose-lose situation. Good Presidents and a good Congress do not put the American people and their military operation in a lose-lose situation. And now they have reverted back to just saying, Democrats don't care about national security. Democrats are more in favor of protecting the terrorists. Just name calling. It is like you are on the playground again.

The thing that we have to look at is the record. The record does not lie. And what the generals are telling the civilian side what to do and the civilian side not listening, as you expressed earlier. But here is what we are hearing from former generals who, once they get out, can all of a sudden start speaking the truth. Like General Shinseki tried to say to Rumsfeld, ''You've got to send in a few hundred thousand troops.'' And Secretary Rumsfeld, Mr. Speaker, said, ''No, no, no. Don't worry. We can do this on the cheap.'' Rumsfeld was wrong and Shinseki all of a sudden kind of disappears. Look what is happening now.

Lieutenant General Newbold: ''What we are living with now is the consequences of successive policy failures.'' This man was the top operations officer for the Joint Chiefs, commanding general for the First Marine Division, Legion of Merit Navy and Marine Corps commendation medal.

How about General Eaton: ''2½ more years of that leadership was too long for my Nation, for my Army and for my family.''

These are generals.

How about General Riggs: ''They only need the military advice when it satisfies their agenda.''

I think what we want to do, Mr. Speaker, is get out of the politics and let's start solving problems. Seven hundred thousand people per Congressal district vote for us to come down here and fix problems, not to play politics with what is going on. And this has been all politics, all the time, from this administration. It doesn't matter if what they are saying is even remotely close to being based in reality. It doesn't matter what the facts on the ground are. You can sit here and say, the Democrats this and the Democrats that.

You're in charge of the House, the Senate and the White House. Don't go blame the minority party for your failures. That is what has happened here. I will be happy to yield.

Mr. MEEK of Florida. Thank you, Mr. RYAN.

Mr. RYAN of Ohio. The debate coming out of D.C. and the old Potomac two-step is, ''We'll blame the Democrats.'' What are you going to blame the Democrats for? We have bills sitting in committee. No one has given them even one hearing in a committee. We have got discharge petitions sitting over here for veterans benefits and all kinds of other things. They never see the light of day. We are the minority party. You can't blame us. You can try, but you can't blame us. Take responsibility for your actions. And if you solve problems, the American people would return you back. But you haven't.

Just look. The failure to execute basic governmental programs. Look at homeland security. Look at Katrina. Look at the war. You got Newt Gingrich, the father of the Republican revolution in 1994, basically saying, ''Vote the Republicans out.'' Here is what Speaker Gingrich said in the Wall Street Journal just a couple of days ago. Just consider the following, he says:

''Osama bin Laden is still at large. Afghanistan is still insecure. Iraq is still violent. North Korea and Iran still building nuclear weapons and missiles. Terrorist recruiting still occurring in the U.S., Canada, Great Britain and across the planet.''

This is not a Democrat. This is someone who cares about his country and saying, ''We may even disagree on how to fix the problem, but can we please admit that we have got some serious problems in 2006 in the United States of America? We have a government that doesn't work because it thinks the government is built on a concept of an economy that was 1950. It doesn't work.'' This is from a few months ago, about the Republican majority.

''They are seen by the country as being in charge of a government that can't function.''

We don't need to make this up. We don't need to create this. This is not fiction. This is about what is happening here. We come down here, Mr. Speaker, because we want to start solving these problems. When we are not included in the debate, you are basically saying half of the country has no

solutions. Well, we have solutions. When we get in charge next year, we are going to show the American people our ability to govern. We are not trying to obstruct. We couldn't even obstruct if we wanted to. All we are saying is, every single aspect of the neoconservative political agenda has been implemented and it is not benefiting the American people.

Look at your energy costs. Look at your health care costs. Look at your tuition costs. Look at your tax burden. Look at the inefficiency of government. Look at how your government responds to natural disasters. Look how your government handles its foreign policy. Look at the prewar plan. When you have a problem with your political system and your leadership, when you have the Secretary of Defense. Just think about this. There is a problem when the Secretary of Defense wants to invade a country and doesn't want anyone around him talking about how we are going to get out once the war is over. We have got the best military machine the planet has ever seen. We knew we were going to march right to Baghdad. We didn't know it was going to be as quick as it was but we knew it would be quick. Certainly the Iraqis weren't going to be able to stop us. And then the Secretary of Defense, used to be called the Secretary of War, the same position. But the Secretary of Defense tells everyone around him that we're not allowed to talk about a postwar plan.

What? Mr. Speaker, that is crazy.

Mr. MEEK of Florida. I have to come in at this point.

Mr. RYAN of Ohio. Come in.

Mr. MEEK of Florida. You are making a great point, but I just have to come in at this point.

Mr. RYAN of Ohio. Supplement.

Mr. MEEK of Florida. Mr. Speaker, the bottom line is over at the Department of Defense, it is almost like having what they call a 501(c)(3), kind of a community group that goes out and does good on behalf of the community. You go out and you pick board members to be on your board of this 501(c)(3). Let's just say it is the Boys Club or the Girls Club of America. You are the chairman of the board. You are saying, ''I'm going to get everyone that says yes and agrees with me. I don't want anyone to disagree with me.'' We do know for any great organization that you need individuals that are going to question your original thoughts.

What we have now in America, in the Department of Defense and in this government, this Federal Government of ours, is a ''yes'' board of directors. The U.S. Congress, the Republican majority, is a ''yes'' board. They are a rubber-stamp board. They do anything and everything the President of the United States says, does, or whoever his advisers may say we should do.

But what is unfortunate is the fact that we are the superpower of the world and we are the United States of America. This is not the Boys and Girls Club. This is not One-Two-Three 501(c)(3), we want to do good for you. This is national security. This is protecting women and children. This is making sure that our troops that have gone in past conflicts, that their memory is not stepped upon. This is making sure that individuals have health care. This is making sure that small businesses are able to provide health care. This is making sure that we balance the budget. This is not a 501(c)(3). This is the government of the United States of America.

And when you have the Secretary of Defense saying, ''If anyone comes to me that doesn't believe in what I believe in, you can get out of here. If you want to talk about an exit strategy or redeployment of troops in Iraq, you can't be around me. You're fired.'' And all you hear is cricket sounds from the Republican majority. Quiet. No one is saying anything. No one is doing anything. No one called a hearing. No one called the Secretary to the United States Congress to say, ''Excuse me, Mr. Secretary. Wait a minute. I heard you give speeches saying that whatever the men and women need and the commanders need on the ground in Iraq, that you're here to hear their call. You want to hear from them.''

The President of these United States, the Commander in Chief, said, ''Whatever our commanders tell us on the ground or over at the Pentagon, we're here to take on their recommendations.''

But, Mr. Speaker, things have gotten so bold now, because no one is here to question kingdom politics here in Washington, D.C. So shall it be written, so shall it be done politics from the White House and from the Pentagon. And so that the Secretary of Defense feels so confident that he can publicly say, anyone who has anything to say about redeployment of troops in the Pentagon, they are gone. That is not a democracy. That is a rubber-stamp democracy.

Mr. RYAN of Ohio. I want to share a couple of other of these quotes that support what you are saying. Here is from General Batiste: ''Rumsfeld and his team turned what should have been a deliberate victory in Iraq into a prolonged challenge.''

General Zinni: ''We are paying the price for the lack of credible planning or the lack of a plan. Ten years' worth of planning were thrown away.''

How about General Swannack: ''I do not believe Secretary Rumsfeld is the right person to fight that war based on his absolute failures in managing the war against Saddam in Iraq.'' That was from the New York Times in April. And on and on and on.

But here is the point I want to make before we yield to our other good friend from Florida about just not listening and not even accepting facts presented by nonpartisan people.

□ 2230

The 9/11 Commission was a bipartisan group that said you need to implement these. After months and months of study on what happened on 9/11, this is what you need to implement. And it has not been done.

And then the Senate Intelligence Committee comes out and says there was no tie between Saddam and al Qaeda, and yet the administration goes out and continues to perpetuate falsehoods. Excuse me, but, I mean, come on. It was the Senate Intelligence Committee report, and the Senate is controlled by Republicans. That was basically a Republican report and a nonpartisan report, and yet they continue to just go on and say things that just don't match with reality.

I yield to my friend from Florida.

Ms. WASSERMAN SCHULTZ. Well, thank you, Mr. RYAN. It is wonderful to be here again with both of you, as we take the floor each night to talk to our colleagues and any Americans that might be within the sound of our voices.

Last night, we had the opportunity to talk about and reflect upon September 11 and its commemoration, and we had a commemoration of sorts on the floor this evening, Mr. RYAN and Mr. MEEK. I thought it was really interesting that the majority, Republican majority, felt it necessary to politicize what should have been a solemn and commemorative event, and a solemn and commemorative resolution with their ra-ra stuff on some of the most controversial legislation that has come off this floor related to so-called national security.

And on Monday, when we were in our home communities, I was in south Florida with our first responders in my community. And I told you both last night that again and again all day on Monday people asked me, well, Debbie, are we safer than we were 5 years ago? And, you know, that was such an incredibly difficult question to field because you want to tell them, yes, we are safer. We are elected officials, and the public puts their trust in us, and it is our job to be able to unequivocally say, yes, we are safer. But here is the rhetorical questions I will ask you. Have we captured Osama bin Laden? Have we smoked out the terrorists, as the President promised? Three years after ''mission accomplished,'' do we even know what the mission is? A year after the last throes of the insurgency in Iraq, are we closer to the date that our troops can come home? Does the President still want the insurgents to ''bring it on?''

If you look at the point shortly after we toppled the Taliban in Afghanistan, we have made one misstep after another after another. I mean, repeatedly. I would be hard-pressed to think of a way in which the aftermath of September 11 and the last 5 years could have been handled worse than it has been. I mean, are we truly resting the sum total of our national security on whether we take our shoes off when we go through the magnetometer at the airport, or whether we check our Coke at the door?

I mean, if you asked Americans, as we walked down a city block, what they could put their arms around and tangibly identify as the national security steps we have taken, that is what most people would name.

Basically, the war on terror is a junkyard of missed opportunities. That is exactly what we have been doing since 9/11, squandering opportunity. And last night, Mr. MEEK, we talked about how unified and patriotic the country felt and our citizens felt after 9/11. You never had a less partisan environment or a more unified American environment than the hours and days after 9/11, and weeks and months.

In that whole year following 9/11, people drove around and you had American flags on either side of every car, and this President and this Republican majority squandered those opportunities to really bring the country together by adopting the bipartisan recommendations of the 9/11 Commission, which is why that commission was created, in spite of the President's objections, who didn't want the 9/11 Commission to even exist in the first place.

But then, finally, he really had to grudgingly agree he would be supportive of it. And to this day, in 2006, September 13, 2006, we have not fully implemented it. We have not even come close to implementing their recommendations. Squandered and missed opportunities. It is just disgusting.

So no, sadly, the answer I had to give my constituents was, well, we are somewhat safer. We are safer in spots, but there are major, major gaps. And it doesn't have to be that way, Mr. MEEK. It really doesn't.

Mr. RYAN of Ohio. If I may inject here, the last attack, the attack prior to 9/11, was in 1993. This is a very patient group. Just because we haven't been hit yet does not mean we are executing the plan properly. And to just dismiss the 9/11 report and continue down the road of ignoring what the experts are telling us from Iraq and from everything else puts us in a certain amount of danger.

And you have the charts that we have shown night after night that are on our Web site, housedemocrats.gov/30something, night in and night out, about the ports and the amount of ships coming in and cargo that are coming in that are not checked, Mr. MEEK. You guys are in Florida, we have Lake Erie in Ohio. I mean, this country is surrounded by cargo coming in and out of our ports, for us not to check it all.

And then, when you think about what we are spending in Iraq, $2 billion a week, $8 billion a month, and what we could do with that money on addressing the issue of our ports, on our homeland security, on our first responders, on making sure everyone has the proper radios and the proper equipment to coordinate these kind of things; what we could do with technology at the borders, at our airports, the retinal scans, and all kinds of things that could spring up and even have some economic stimulus.

What economic stimulus are we getting out of Iraq right now? Nothing. Nothing. It is like putting money and just flushing it. And so I think it is time, and I yield to my friend, but I think it is time that we start straightening this out.

Ms. WASSERMAN SCHULTZ. I will just jump in on one thing. As you watch what they are doing unfold, because, again, we always remind people we don't have any control over this process right now. Hopefully, after November 7, we will be given that opportunity, because the American people, we know, want a new direction. But, Mr. MEEK, I don't know if you had a chance to read one of our papers in south Florida, the Sun Sentinel, the other day, but one of the Members in our delegation on the Republican side actually said the war in Iraq is over. He was actually quoted as saying the war in Iraq is over and that we won the war, and that now we are fighting a faceless enemy. Which is absolutely true, we are fighting a faceless enemy.

But I was flying here and reading the newspaper, reading that article, and wondering what planet this person was on and whether there an alternate universe he was observing. Because anyone that we know, no matter what their party affiliation, clearly recognizes that we are at war. This is called the war in Iraq. This is major, major conflict, where more than 2,600 troops have been killed. Ask the families of those troops whether they think the war is over. How about the wounded, the more than 20,000 wounded, whether they think the war is over and we won.

If that is the reality that our Republican colleagues are operating under, no wonder they are taking us in the direction that we are going in.

Mr. RYAN of Ohio. And let us look at the colossal failure that has been made here. We have now, because of the decimation in Iraq and the inability of a post-war plan that Rumsfeld didn't want anyone to talk about, and not propping up some government there to combat Iran, now you have Iran as the major player in this region. And they are talking about nuclear weapons, they are funding terrorists through the back door in Iraq through Hamas. Through all of the terrorist organizations in the Middle East, Iran is the one stoking this fire.

We have put ourselves in such a position of weakness. Now, we have troops there and troops in Afghanistan, too, so what if something else happens? And I think it is interesting, and our ranking member on the Armed Services Committee, Mr. SKELTON, has been talking about this for a long time, and it is difficult to even fathom this, but one-half of all Army units, deployed and nondeployed, Active and Reserve, one-half of all Army units received the lowest readiness rating any fully formed unit can receive, with a decline in levels that haven't been seen since Vietnam.

So our army is not ready. Not only are we in a quagmire in Iraq, we have problems in Afghanistan, the poppy crop is growing like gang busters, it is a major parts of their underground economy that is going to the terrorists, now our army is not meeting the readiness capabilities in case something else happens.

And we are in a position of weakness with China because we are borrowing billions of dollars from them, so how do you negotiate with all these people from a position of weakness? You can't. It has been America that has always balanced the budgets so we didn't have to borrow money from people; very selective in our foreign policy; making sure we had friends and allies. All down the tubes in one presidency.

Yield to my friend.

Mr. MEEK of Florida. Mr. RYAN, I don't give the President total credit for all of this. He couldn't do it by himself. You have to have a rubber stamp Congress to give you full power, full power to be able to take the country down the track it has gone down. And the bottom line is that a Republican majority, from the leadership on down to the newly elected member of the Republican conference, has to take credit for giving the President the kind of power that he has right now.

We are fighting wars abroad for ''democracy,'' when here at home we don't celebrate that very democracy that so many people speak of. We have individuals that are on their third and fourth deployment. I am on the Armed Services Committee, so I get the reports. I get the letters from my constituents saying my husband, my wife, my mother, my dad, my niece, my uncle, my next-door neighbor is on his way back to Iraq again. Because we went alone. We didn't go with a true coalition.

So I think it would be hard, if I was a part of the Republican majority, to try to muster up some talking points for the floor right now; to be able to say, well, okay, some of this stuff is not believable, so let's try to attack some members of the Democratic caucus. Let's try to muster up and embellish a ''record'' on possibly being weak on terrorism or being weak on national security. That's where the Republican majority is now. Mr. Speaker, they are gasping for political air right now.

But you know what is so important about this issue and this discussion about national security is that it is supposed to be nonpolitical. And, unfortunately, it is. And that is because the majority hasn't allowed bipartisanship in this House for so many years, and so they can hang it around their neck and say it is our war. It is our failure as it relates to national security and border security. Don't act like it is a crisis right now. You allowed it to happen under your watch. You have been the rubber stamp Congress.

Now, Mr. RYAN and Ms. WASSERMAN SCHULTZ, let me just tell you what the rubber stamp Congress has accomplished borrowing $1.05 trillion from

foreign nations in 4 years. In more than 224 years of this country's history, with 42 presidents. $1.01 trillion they were able to borrow in 4 years, and this Republican Congress and the President has allowed that to happen.

These are the countries here that own a part of the American apple pie: Japan, China, the U.K., the Caribbean, Taiwan, Germany, and OPEC nations. You know, this whole oil thing that we will talk about in a minute. Korea and Canada. They all have their hands in the pockets of the U.S. taxpayers, not because of the U.S. taxpayers but because of the Republican majority's out-of-control spending.

Oil companies? Oh, wow. At this time in history, when they unearth what happened under this Republican majority and this Presidency, they will see these record breaking profits. There was a meeting in the White House, I have the article to prove it, and I talk about it all time. It was a special meeting that took place in the White House, and the Vice President's aides and all met. And then the policymakers came here to the Congress, to the rubber stamp Congress.

Now, let me set this up here, because we believe in the 30-something Working Group, in third-party validators. Washington Post, Wednesday, November 16, 2005, White House document shows that executives from big oil companies met with Vice President CHENEY's Energy Task Force in 2001, something long expected by environmentalists but denied as recently as last week by the White House. Last week, industry officials testified before Congress. Document obtained by the Post on November 2005 shows that officials from Exxon Mobil, Phillips, Shell Oil Companies, and BP of America met in the White House complex with Cheney aides to develop a national energy policy, parts of which became law, and parts of which are still being debated in Congress.

□ 2245

That was 2001, Mr. Speaker. Look what happened:

2002, $34 billion, record-breaking profits; 2003, $53 billion; 2004, $84 billion; 2005, $113 billion in profits for oil companies. Meanwhile, average Americans are spending through the nose and trying to make it to work and to drop their kids off.

Look what happened here. This is what happened under the Republican majority and a rubber stamp Congress. So shall it be written and so shall it be done.

E–85, we talk about alternative fuels, flex vehicles. Every magazine I open talks about flex vehicles. Here is the bottom line. The Republican Congress have allowed these oil companies to be able to do anything they want to do when they want to do it. This is an actual pump here at an Exxon-Mobil station. It says you cannot use your Mobil credit card to buy E–85. Meanwhile, we can continue to feed off the Saudi Arabian Middle East, what got us in this thing in the first place policies. You can use your oil card there. You can buy a bag of chips, you can buy a carton cigarettes, but E–85 that is produced in the Midwest versus the Middle East, you cannot use your Mobil credit card for that.

And on retirement packages, and I don't know very much about Lee Raymond, but the bottom line is he is a retired executive from Exxon-Mobil with a $398 million retirement package and a $2 million tax break. This is what happens with a Republican majority.

Again, the Republican majority rubber stamp, don't worry about balancing the budget. Democrats, we tried to balance the budget. We have done it before. We have tried to do it under this Republican majority. Not one Republican vote to balance the budget on rollcall vote 87, March 17, 2005.

Ranking Member SPRATT and the Budget Committee put it forth again. Failed. Not one Republican vote on rollcall vote 91 in 2004. Their will and desire is not there. The American people deserve balance.

Minimum wage. Yes, there was some bill that came up before we left for the break to talk about minimum wage, a bill that the Republican majority knew that the Senate would not take up and would never make it to the President's desk. But because we were hammering them on it, they said let's pass this. They added all kinds of stuff. It is called the Potomac two-step.

This chart, the bottom line is these are not minimum wage increases, these are increases for Members of Congress. This is our pay. This is what we make. Oh, look at them. Since 1997 there hasn't been an increase in the minimum wage, and you not a minimum wage worker right now, and I am not talking to the Members of Congress, I am talking to the American people, the bottom line is if the minimum wage goes up, and that means if you are a salaried worker, then your wages will go up. But the bottom line is that it is a fact that the Republican Congress has said not over our dead body. We are going to get our increase, but we are not going to give the American people a minimum wage increase. It goes on and on and on.

I am going to close with this, the Prime Minister of Iraq and the President of Iran. Mr. DELAHUNT brought this picture out last night. I don't care whichever way you cut, $300 billion of spending, over 2,000 troops, thousands and thousands of American troops injured, here in Washington, D.C. ''stay the course,'' no plan.

The Secretary of Defense says if you talk about or say anything about redeployment of troops or withdrawing from Iraq, you are fired. No question from the Congress, no response from the Congress. The Secretary of Defense is not called to the Hill immediately. The Republican Congress, what are they saying? They are saying nothing, Mr. Speaker. So accountability is not there. They are embracing and guess what, this is a la the U.S. taxpayer through the Republican majority because of a lack of diplomacy and a lack of plan and going to a war of choice versus after Osama bin Laden in Afghanistan and giving those troops in Afghanistan the support they need.

So Ms. WASSERMAN SCHULTZ, Mr. RYAN, I rest my case. The bottom line is that was not a message for Democrats or Republicans. It was not a message for Independents or the Green Party or other party affiliations. That is a message for Americans. The bottom line is whatever you may feel, if you are a member of the Republican Executive Committee or you have always voted Republican or you always voted Independent, you have to have issues with what the facts are.

I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you. I want to pick up on the litany of issues you were going through because we need to zero in on how we make ourselves safer because the other side is going to spend a lot of time and they are spending a lot of time claiming they are the party of national security and they are the ones that need to be entrusted to keep us safe.

The last time I checked, that is who was in charge of keeping us safe, and they are not doing such a hot job. Mr. RYAN talked about how we like to use third party validators here. We absolutely do. I am going to use a third-party validator of Governor Kean, former Governor Kean of New Jersey who co-chaired the bipartisan 9/11 Commission and Lee Hamilton, a former well-respected Democratic Congressman who was the other co-chair of the 9/11 Commission. Here is what they said on Monday, September 11, 2006. ''As we mark the fifth anniversary of the terrorist attacks, Americans ask: Are we safer? Two years ago, the 9/11 Commission found that our government failed in its duty to protect us. The commission, which the two of us led, made 41 recommendations to ensure that this Nation does everything possible to protect its people.

''Many of our recommendations, including those to reorganize the intelligence community, were written into law. Yet no law is self-executing. Implementation is often the harder step.''

We know that implementation is the job of the Congress. The 9/11 Commission couldn't recommend things into thin air and suddenly they would happen. They have to be adopted into law and funded.

They continued, ''We issued a report card on our recommendations in December. It included 10 Cs, 12 Ds, and 4 Fs. What we argued then,'' and this was September 11, 2006, 2 days ago, ''is still true now: Americans are safer, but we are not yet safe.

''So what do we need to do?'' This is their words, not ours.

''First, homeland security dollars must be allocated wisely. Right now,

those funds are spread around like revenue-sharing projects.'' We are basically using the opportunity to spend money on homeland security for turkeys, we used to call them in Florida. We call them earmarks here. That means little itty-bitty projects, and every Member knows that there are potential security targets in their own district, but we don't nitpick homeland security. You don't spread the money around so thinly so you never make truly one area or region or community truly safe.

They said that until Congress passes a law to allocate funding on the basis of risk and vulnerabilities, scarce dollars will continue to be squandered.

''Second, States and localities need to have emergency response plans and practice them regularly. Hurricane Katrina taught us a lesson that we should have learned from September 11: From the moment disaster strikes, all first responders need to know what to do and who is in charge.''

Do they know that? No.

''Third, we called on Congress to give first responders a slice of the broadcast spectrum ideal for emergency communications.'' That won't happen until 2009. What in God's name are we waiting for? 2009? What happened to the interoperability in communications that was so essential that was the major problem on 9/11?

I don't have time to go through all of the recommendations, Mr. MEEK, because homeland security is so woefully lacking and the congressional leadership here has done, I can't even use that word, congressional leadership has done such a poor job of implementing their recommendations and making us safer that it is laughable. It is ridiculous. It is outrageous for them to suggest that they are the party of national security and safety. I could go on and on.

Mr. RYAN of Ohio. Mr. Speaker, I want to share as we end here from the Newt Gingrich commentary from the Wall Street Journal where he talks about some of this stuff, about trying to figure out what the solutions are by figuring or understanding what the problems are.

Then he talks about, and this is his advice to George Bush, ''Then he should announce an honest review of what has not worked in the first 5 years of the war.'' That is what we have been saying. Let's find out what has not been working. Based on the findings, he should initiate a sweeping transformation of the White House national security apparatus. Good idea.

The current hopelessly slow and inefficient interagency system should be replaced by a new metrics-based and ruthlessly disciplined integrated system of accountability. That is what we want to do. Accountability. Let's sit down and have hearings and figure this out. The House of Representatives has a role to play in this oversight. The President should insist upon creating a new, aggressive, entrepreneurial national security system. It is time to do this.

Following this initiative, the President should propose a dramatic and deep overhaul of homeland security grounded in metrics-based performance to create a system capable of meeting the seriousness of the threat.

This is about reforming the institution of government. The former Speaker understands it. The Democratic Party understands it, and the only people who seem not to get it are the people who serve in this administration and the high levels of this Congress. I hope it changes. All of the charts that we are using tonight are available on this website, www.House Democrats.gov/30Something. It has been an enjoyable evening once again.

Mr. MEEK of Florida. Mr. RYAN, I want to say that Ms. WASSERMAN SCHULTZ is going to get an opportunity to go through her homeland security piece when we are on the floor again.

I want to encourage members to go on HouseDemocrats.gov and get a copy of the real security plan that we have here. We even have it in Spanish. Also energizing America is on there, and also an innovation agenda that has a lot of CEOs and leaders in the education field. They say they endorse our plan.

With that, we thank the Democratic leadership for allowing us to have this time. It is an honor to address the House once again.

THE ROAD TO AFFORDABLE HEALTH CARE

The SPEAKER pro tempore (Mrs. SCHMIDT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Madam Speaker, I too would like to say it is a privilege to come to the floor of the House and be able to address the House on important matters of the day.

In my first term in the House, the 108th Congress, and my background is actually as a physician, and when I came to Congress in 2003, one of the things that you do with a doctor when you put them in Congress is put them on the Transportation Committee. So I had a very good session of Congress on the Transportation Committee. I was fortunate enough after my reelection in 2004 to be placed on the Energy and Commerce Committee on the Subcommittee on Health. So having had experience in Congress on both roads and now health, what I thought I would talk about tonight is the road to affordable health care.

Some of the things that I want to talk about tonight are the overall affordability of health care and where we are in this country and where we are going. I want to talk about the public versus the private systems in this country. We obviously need to talk about the uninsured and some of the programs to help with the uninsured, federally qualified health centers, association health plans and health savings accounts.

□ 2300

You almost can't talk about health care in this country without talking about liability reform, and, indeed, we do need to touch on that, and the sustainable growth rate, patient access for Medicare patients, how physicians are reimbursed under the Medicare system, an item that is becoming of critical importance if we want to keep some of our best doctors providing care for some of our most complex and challenging patients.

Information technology has been one of the buzzwords up here ever since I started my time in Congress, and, indeed, we need to talk about that. Preparedness, whether it be from terrorism, whether it be from natural disaster, or whether it be from an outside source like the worldwide flu pandemic that hit this country in 1918, we need to be prepared for that should it happen.

We need to talk a little bit about the number of State mandates that are on insurance policies that tend to drive the cost of health insurance up and thereby reduce the overall affordability of health care.

There are some interesting things that are being done in some of the States as they approach some of the difficulties they had in providing health care to their citizens. I would like to particularly talk about Governor Mitt Romney's plan up in Massachusetts that provides for personal responsibility in health care.

Finally, if there is time, we will talk a little bit about the reauthorization of trauma centers in this country. We will talk a little bit about transparency, raise transparency for price cost and quality in our health care system and maybe just a little bit about long-term care, because that is one of the drivers that is going to vastly increase the cost of Medicare and Medicaid as more and more baby boomers retire.

Let me just remove this for a minute so it is not distracting to any other Member of the House who might happen to come by and look at it.

We talk about the current problem facing us. We spend a fair amount of money in this country on health care. We have a gross domestic product of upwards of $11 trillion, and we spend about 16 percent of that on health care; $1.4 trillion is spent on health care in this country. In fact, Medicare and Medicaid alone in our HHS appropriations bill, which we have yet to pass, that bill will probably be upwards of $660 billion just for Medicare and Medicaid.

Of course, we have the Indian health service, the veterans health service, Federal prisons also providing health care, so there is a significant chunk of this Nation's health care that is already borne by the Federal Government. The other approximately 50 percent is broken down to that care that

is just simply not compensated or not remunerated. You might call it charity care or just simply uncompensated care. Some of it is paid for out of pocket or self-pay, and certainly the lion's share is borne by the private insurance market in this country.

Well, between the public and the private sectors, how is the best way to get more health care coverage into the hands of more people? Should we just simply expand the public sector to the point where it encompasses all or nearly all of the health care expenditures in this country, a so-called Canadian system? I don't think so. Even the Canadian Supreme Court in 2004 and 2005 said that they had a problem with access in their country, and, in fact, access to a waiting list did not equate to access to care.

In the British national health service, some of the most expensive care in the world is in Great Britain. They have a two-tier system. They have their national health service, and then they have private care, and that private care in that country, the cost for that, has gone significantly up. The waiting time for someone who is over 80 years of age, that becomes really problematic. You put someone over 80 years of age on a waiting list for a procedure, a hip replacement, a heart bypass, and the likelihood of them being able to sustain themselves until they receive that service starts to go down. That's unfair as well.

Well, what about the private sector? I believe that we have the best health care system in the world in this country, largely because of contributions of the private sector.

We have more innovation in this country than almost anywhere else in the world. We have the ability to integrate new technologies rapidly into the treatment rooms, the operating rooms, into the health care system in general in this country.

Finally, because we have such a significant component that is borne by the private sector, we have willing sellers and willing buyers. The waiting list is not as big an issue, if an issue at all, in most parts of this country.

Some of the other things that we will talk about, as we talk about expanding the private sector, or at least maintaining the component of the private sector in this country, is the little bit of the history of what we called at one time ''medical savings accounts.'' We now refer to them as health savings accounts as they were expanded significantly under the Medicare Modernization Act of 2003.

But the old medical savings accounts had a lot of restrictions on them. There weren't many companies who stepped up and provided that type of an insurance product, and, as a consequence, you never saw the savings with medical savings accounts that, really, should have been there.

I will contrast that with health savings accounts now. You can go to your search engine, you can type in ''health savings account'' into Google, and you are offered a vast array of different companies and plans that sell, market on the Internet. With, in fact, the competitive power of the Internet, many of these plans, these high-deductible health savings account plans are priced well within reach, of, say, a young person just getting out of college.

Contrast that with the mid-1990s when a young person getting out of college who didn't have an employer-based health insurance, who just wanted to go buy an individual policy, I know, because I had experience with that in my own family, you just almost could not buy an individual health insurance policy for a single individual in the marketplace. No one was interested in selling that to you at any price. But now you can go on the Internet, and you can find a lot of products that are available.

The last time I looked, which, albeit it was a couple of months ago, but for a young person, 25 years, male, in the State of Texas, for a high-deductible plan, would range between $50 and $60. There were some that were even cheaper, but they were companies that I didn't recognize the name of, and I certainly wouldn't recommend that someone buy from someone they have never heard of before. But there were some reputable names, named insurance companies that had providers, provider lists that were more than adequate, that were for sale at a price that I would consider affordable for a young entrepreneur just perhaps starting their own business or leaving the protective fold of a group health plan from their employer.

How we keep the private sector involved and keep health care affordable is truly one of the challenges that we in this Congress, not just Republicans and not just Democrats, but both sides of the aisle, need to take on and meet head on.

Some of the downsides of going to a completely nationalized system is I am afraid we will lose a lot of the energy toward innovation. When you stop and think about it, we have had three Presidents in my lifetime who have espoused programs of a nationalized health insurance, President Truman, President Nixon and President Clinton most recently.

Under Truman, if they had gotten their way and nationalized health care, what if, what if we had stifled innovation with that type of maneuver? The antibiotics that we used today would be penicillin and tetracycline, those that were most commonly in use in the late 1940s and early 1950s.

Under the Nixon administration, what if they had gotten their way with the nationalized health insurance with, again, a chilling effect on innovation? We might be looking at treating psychiatric illness still with Thorazine rather than having the availability of the very potent antipsychotics and the selective serotonin reuptake inhibitors that we have now today. During the Clinton administration in the 1990s, there are just untold innovations that have happened.

Even in the last 15 years, there are innovations in the treatment of arthritis, innovations in the treatment of osteoporosis. In fact, if innovation had been stifled in 1992, osteoporosis would be treated today with estrogen replacement and pain medicines, as opposed to having the newer phosphonates or medicines like Fosamax and Actonel and Boniva that are available to us today.

When we look at the uninsured in this country, it is an election year, so we can certainly expect the number to go up. The most recent U.S. Census Bureau was 46 million people uninsured.

Interestingly enough, between the years 2004 and 2005, there were 1 million more people who had health insurance in 2005 than had it in 2004, and I suspect the reason for that was because of the expansion of health savings accounts.

But when someone is labeled uninsured, it means that for any portion of a year they lacked health insurance. It doesn't always mean, though, that they have no access to health care. Access to health care, I will tell you as someone who made a career of being a physician, access to health care is uniformly available. It may be expensive care, it may be care that is accessed far later in the course of the disease than anyone would recommend, but access to health care does not, or not having health insurance, does not equate to not having access to health care.

In fact, this Congress in the 1980s mandated that anyone arriving in an emergency room would have access to health care, whether or not they had the ability to pay for it. In fact, as a physician, I was required to respond to that patient within 30 minutes or a reasonable timeframe or face some rather significant civil money penalties. So lack of insurance does not equate to lacking access to health care.

We also have a system in this country, under the Federally qualified health center system, that provides health care and continuation of care in a medical home to between 15 and 17 million recipients. That is a significant number of people who lack health insurance but have access to a medical home and have access to care when they need it and, in fact, have continuity of care that in a lot of cases rivals that of any HMO out there.

There are some things we could do, I think, to strengthen the ability of federally qualified health centers to provide care when it is needed. I represent an area of north Texas, Denton County, Tarrant County. Fort Worth is the largest city in my district.

Last year when Hurricane Katrina hit the gulf coast, we had a number of persons who were displaced by Hurricane Katrina, who came to the Dallas-Fort Worth area, individuals who came needing medical services and not being able to wait the 6 to 8 years that is now

required to set up a federally qualified health center.

Indeed, last year, the Deficit Reduction Act, I tried to introduce amendments that would streamline the process of setting up a federally qualified health care that would make more of those facilities available to more patients so that they could have more services available to them.

Unfortunately, those amendments did not stand during the conference report. But there is still an opportunity to work on streamlining the startup procedures for federally qualified health centers. Indeed, in my district I am working on a couple of those even as we speak.

Another issue is having affordable products for companies to sell. You got 46 million uninsured. Don't think that Aetna Life and Casualty wouldn't look at that as potential market share if we would provide them the tools that they need to have an affordable policy available to individuals.

We will talk about this a little bit more in just a moment, but to give some relief for some of the mandates that are put on insurance companies, where they have to offer brow lifts and involved infertility treatments to every person who purchases their insurance when it may not be necessary, and, indeed, the cost of adding those benefits may be keeping insurance benefits from a greater segment of the population.

On the concept of health savings accounts, we did expand them significantly during the Medicare Modernization Act. There, in fact, is legislation out there this year. ERIC CANTOR, from Virginia, and myself have introduced legislation to expand and make a little bit more flexible the health savings account.

□ 2315

One of the things, in the interest of full disclosure, some employers will provide employees an amount of money to have each year to perhaps pay incidentals or eyeglasses or maybe even help pay for a higher deductible that is selected to offset some of the cost of the insurance premiums, these so-called use-it-or-lose-it funds that a company might provide a patient every year. But when you get toward the end of the year, and gosh, nobody wants to lose that money, they want to get the use of that money, it may be as much as $1,800 or $2,000, so we actually incent people to go out and spend more money on health care that perhaps they might not even need.

There was a big, full-page ad in the Dallas Morning News right before I left to come back up here about a doctor who provides refractive surgery, or LASIK, for someone's eyes, and if you have a use-it-or-lose-it policy at your work, look into buying yourself LASIK for Christmas this year, because you will lose that money if you don't spend it. Again, a kind of the wrong incentive and the wrong message to send to employees that yes, you have to spend at least $2,000 on health care every year or you are going to be penalized.

For people who are young and healthy who feel that they are bulletproof and they don't even need to buy insurance, making these HSA premiums payable with pre-tax dollars would be a powerful incentive to get these individuals to buy into the concept that they do need to insure themselves.

For low-income individuals, people who don't make enough money to even cover the relatively low cost of a Health Savings Account insurance premium, provide them with a prefundable tax credit or a voucher, if you will, to be able to buy that insurance, or perhaps at least buy down the cost of the insurance premium for someone who is not unemployed but doesn't make enough money to pay for health insurance.

What about someone who has got a chronic disease? A Health Savings Account may not be the best option for them. It might be, if we allowed employers to make a larger contribution, a larger or greater HSA contribution for someone with a chronic illness, say someone with diabetes, someone who is in remission from leukemia, a valuable employee that an employer wants to be able to keep on the payroll and keep on providing their insurance benefit and would welcome the opportunity to be able to buy one of these lower cost Health Savings Accounts and yet contribute a greater amount to that person's deductible.

Allowing flexibility to coordinate Health Savings Accounts with existing health coverage, like a flexible spending account or a health reimbursement account, and allowing early retirees to use HSA savings to pay for insurance coverage premiums until they are of an age that they can be covered on Medicare.

But probably the most powerful tool that we could employ is providing a pre-tax treatment of health care expenses incurred under HSA compatible plans. That has been something that has met with some resistance, but truly I think it is time to investigate that and take that up.

Association Health Plans. You hear it talked about. I have heard it talked about every year since I have been in Congress. Over 60 percent of all uninsured workers are employed by small businesses with fewer than 100 employees. But what if we were to give small business, give those small employers the ability to pool together, and if they are of a similar business model, say they are chambers of commerce, or say they are realtors, or say they are physicians or dentists offices, if they could pool together to be able to get the purchasing power of a larger entity, then they would be able to command more control in the insurance market and command a more cost-effective premium.

What if we allowed them to do this across State lines? That has been the difficulty in allowing, or for the Senate or the other body to allow the institution of Health Savings Accounts. They came very close this past year. I know they worked very hard on that over there.

Association Health Plans may not immediately bring down the number of uninsured like expanding Health Savings Accounts will, but allowing Association Health Plans would provide some measure of stability and affordability in insurance premiums that would allow small businesses more certainty in that market and would keep them from leaving the health insurance market for their employees.

Well, as promised, it is almost impossible to talk about the affordability of health care and not bring up the question of liability, medical liability reform. We have done that I don't know how many times on the House side.

Some states, my home State of Texas, has made great strides in improving the liability picture back home in the State of Texas. But these State-by-State solutions are in constant jeopardy by special interests who will reappear every legislative session to try to undo, for example, the good that they did in my home State of Texas.

When we passed H.R. 5, which was the Medical Liability Reform Act in this body in 2003, the Congressional Budget Office scored that as a savings of $15 billion over 5 years. I believe the amount really will turn out to be much greater than that because of the pernicious effect from a spending standpoint of defensive medicine. In fact, a study done out of Stanford, California, in 1996, in the Medicare population alone showed that the practice of defensive medicine cost about $30 billion a year in 1996 dollars to the Medicare system. So there would be a significant cost savings across the board in this country if we would be able to pass some type of meaningful liability reform. We are wasting money by not pushing for this on a national level.

What happens if we don't change? Well, several years ago when I was on the transportation committee we had a field hearing up in ANWR. On the way back we stopped in Nome, Alaska, for lunch and kind of had a Chamber of Commerce type lunch there in Nome, Alaska.

Because it is unusual to have a congressional delegation come through Nome, Alaska, all of the people turned out for that, including all 19 members of the medical staff of the hospital there at Nome. They spoke to me with great concern saying, I hope you will be able to get that medical liability bill passed, because we can't afford the insurance premiums for an anesthesiologist at our hospital.

I said to the person sitting next to me, what kind of medicine do you practice, sir? He said I am an OB–GYN, just like you.

How do you practice OB–GYN without an anesthesiologist in your hospital? Forget an epidermal for pain relief during labor. What do you do if the patient requires a C-section?

He said, we get an airplane and take the patient to Anchorage.

Anchorage is an hour-and-a-half away, and that is if the weather is good. Nome, Alaska, as I understand it, has episodes of bad weather where aircraft can't take off. I fail to see, Madam Speaker, how we are furthering the cause of medical safety, patient safety, by allowing this system to continue.

In addition, the head of one of the residency programs in New York was speaking with me one night. I asked if the medical liability climate was affecting their ability to get OB–GYN residents into their program. It was related to me that evening that, well, Congressman, we are taking people into our program that we wouldn't have interviewed 5 years ago.

Wait a minute. These are our children's doctors they are educating today. How are we furthering the cause of patient safety, how are we enhancing patient safety by allowing that system to continue? The best and the brightest are not going to go into fields like OB–GYN or neurosurgery, so-called high-risk specialties that might expose them to a greater degree of liability peril.

Well, in Texas, we did do what I consider a very good thing as far as medical liability was concerned, and we did pass a so-called cap in Texas, a cap on non-economic damages.

It was a little different from the House-passed bill. The House-passed bill was a $250,000 cap on non-economic damages. In Texas we passed a bill that would cap $250,000 of non-economic damages for the doctor, another $250,000 for the hospital, and another $250,000 for a second hospital or nursing home, if one was involved. This bill required the passage of a constitutional amendment in Texas in 2003, and it did indeed pass, and now Texas is well into its third year of this medical liability reform.

What have been the results? Texas Medical Liability Trust, my old insurer of record when I left the practice of medicine in early 2003, the cost for premiums from Texas Medical Liability Trust, coupled with the rebates that had been given to doctors who were their customers over the last 3 years, have now totaled to over 20 percent. That is significant, because in the 2 years before I left the practice of medicine, my rates went up by 20 percent and 30 percent for those 2 years before I left the active clinical practice of medicine. So it is a significant change that has happened in Texas.

One of the major advantages has been what has happened with mid-sized, not-for-profit hospitals who were self-insuring for medical liability before. Many of these smaller hospitals have found millions of dollars that are now returned to them in medical liability premiums that are available for capital expansion, to hire more nurses, the kinds of things you want your mid-size, not-for-profit community hospital to be able to do.

We have some other options in our Committee on Energy and Commerce on our Health Subcommittee. We have talked about some of the other options. Arbitration, mediation, certainly if there could be an expansion of those to allow for an earlier settlement or even the concept of an early offer for someone who actually has been harmed.

One of the really unspoken but one of the significant downsides of our medical liability system is it takes on the average of almost 8 years for a patient who is truly harmed to receive any type of compensation. Then the amount of compensation they receive is strikingly reduced by legal fees and court costs and preparation costs and all of the things that go into that. So there is a very lengthy process that doesn't really help anyone as far as getting money to someone who is truly injured.

The concept of an early offer or even arbitration or mediation, we will have to make some adjustments to what is referred to as the National Practitioner Data Bank, and hopefully my committee will be able to take that up in the near future.

Let's shift gears for just a minute and talk a little bit about something that significantly affects patient access to physicians, and that is the proposed reductions in physician payment that are going to occur under the Medicare system, the so-called reductions because of the sustainable growth rate formula, something that I believe needs to be fixed and it needs to be fixed this year.

Under the sustainable growth rate formula, physicians' compensation is basically set. It is an attempt to limit the amount of expenditures of medical care under the Medicare system by controlling volume and intensity of services.

Other parts of medical care delivered under the Medicare system, the year-over-year rate is calculated based on the cost of input, a market basket type of update that is based on medical inflation. This rather graphically shows the results of the two different types of formulas.

Compare the reimbursement for the Medicare Advantage Plans, compare the reimbursement rates for hospitals or nursing homes with the reimbursement rate of physicians. This blue line here represents the year 2002. That was the first year that a cut was allowed to proceed under the sustainable growth rate formula. It was about 4.4 percent, what is euphemistically referred to as a ''negative update.''

The next 3 years, Congress came in at the last minute and said, we will give you a little bit of a bump up. As you can see, a little bit less than 2 percent for each of those years.

Last year, we held the SGR rate at a zero percent update. It didn't go up or down. Almost anywhere else in Washington, if you hold spending level for a year, you are accused of having cut benefits. But that is what we did for our physicians last year. And really part of that story is we didn't do it by January 1, we had to come back after the first of the year to provide that zero percent update. In reality, January 1 physicians got again a 4.4 percent negative update.

□ 2330

Yes, the administrator of the Center for Medicare and Medicaid Services did come in and say that as long as Congress does what it is supposed to do at the end of January, which we did, that CMS would come back and reimburse physicians for that amount of money to bring them up to that zero percent. Unfortunately, there are many private insurance companies out there that pay into Medicare; so doctors took a pay cut for other private insurance, which was never the intent of this Congress. It was never the intent of the administration of the Senate, but nevertheless, that is what we did.

The purple line here represents the proposed 5.1 percent negative update that is to go into effect if we do not affirmatively do something before January 1, and that is why I say it is incumbent upon us to do something, in fact, this month before we wrap things up on the 30th of September.

I would just like to make a couple more points about this graph. Cutting Medicare rates hurts all physicians and patients. Private health plans and other government programs follow Medicare's reimbursement trends. They look at Medicare's reimbursement rates, and they structure their plans to pay physicians the same, regardless of how much it costs the physician to provide the care. TRICARE, for example, reimburses at a rate that is 85 percent of Medicare. Many of the private plans will reimburse at rates that vary between 85 percent and 120 percent of Medicare. But, again, it was never the intention of this Congress to provide a break for private insurance with the SGR formula.

Setting up the silos for Medicare reimbursement is itself flawed. We have a silo for the Medicare Advantage programs, a funding silo for hospitals, for nursing homes, and physicians. With more procedures and more services being delivered outside of hospitals, the payments should be based on the highest quality and most cost-effective treatment setting. Elements of the sustainable growth rate formula originally were designed to control utilization by reducing physician fees. The primary drivers of utilization, however, are new, improved technologies, patients' increased awareness of treatment options, and the general shift from inpatient to outpatient care. Physicians control none of these factors.

And there is even one more factor over which physicians have no control,

and those are the mandates that this Congress puts on Medicare for types of medical care that have to be included. The Welcome to Medicare Physical, I personally think that is a good idea. I think you are going to pick up problems where you can more timely diagnose and treat those problems. But it costs money and that money comes out of the physicians' position of the SGR formula.

Again, in the Deficit Reduction Act, we passed a measure that would require every person on Medicare to have an EKG at age 65. That money comes from somewhere. It does not come out of the hospitals. It does not come out of the Medicare Advantage plans. It comes out of the physicians' part of the sustainable growth rate.

We also decided that everyone should have a screening for an abdominal aortic aneurism. It may or may not be worthwhile, but that money is going to be taken out of the physicians' portion of the SGR formula. And, again, physicians have no control over that utilization.

The legislation introduced right at the end of July, H.R. 5866, would put the focus to ensure that elderly patients have better access to the health care they need.

Four goals of this legislation: ensure that physicians receive a full and fair payment for services rendered; create quality performance measures that keep consumers informed; improve the quality improvement organizations' overall accountability and flexibility; and, finally, find reasonable methods, reasonable offsets for paying for these benefits.

For fixing the SGR, for title I of that bill, it ends the application of the sustainable growth rate formula January 1. So January 1, instead of a pay cut, SGR would go away. It substitutes for the sustainable growth rate formula a different formula. One that was derived by a group called MedPAC, the Medicare Payment Physicians Advisory Commission, called the Medicare economic index. And this shifts physician compensation so it will more closely mirror hospitals and Medicare Advantage plans. It bases updates and physicians' compensation on the market basket.

What does it cost to deliver the care and how much did that cost increase over the past year based on medical inflation? That is the Medicare economic index. We will use the Medicare economic index minus 1 percent, which will be an increase of about 2 percent for physicians for the year 2007. And it basically puts us back on a more market-sensitive system. What is health care inflation? What is it costing the hospitals, the Medicare Advantage plans, and the doctors to deliver the care and compensate them accordingly? Under the quality measures, in conjunction with physician specialty organizations, it creates a voluntary system of evidenced-based quality measures. It gives doctors feedback on their performance. As a physician, you are always wondering how you are doing; how do you compare to your peers; how do patients rate you. This is information that we are always seeking. It also allows patients to be selective. If a doctor elects not to voluntarily report, that information could be available to patients when they make their selection as to what physician they see.

There will be offsets in the bill. Currently, the offsets that are made are looking at the Medicare Stabilization Fund from the Medicare Modernization Act and eliminating the double payment for medical education costs in the Medicare Advantage plans.

The important thing here is it keeps the power in the health care community. It does not devolve that power to the Federal Government. And it is just a start. It is a start on the path of developing a product that will ultimately be satisfactory to all of the stakeholders.

A quote from the AMA news: ''We are encouraged by the introduction of this legislation that would replace the current flawed Medicare formula,'' from the AMA Chair, Dr. Cecil B. Wilson.

One of the things that is talked about a lot here on the House floor, and, in fact, we passed H.R. 4157 in July, which is the Health Information Technology Promotion Act, there is no question that health information technology holds a great deal of promise for being able to streamline the delivery of medical care to provide a method of continuity of care if something happens. With electronic medical records, those are then available online. And if something happens to a patient's original medical record, all is not lost. You can go to a safe, secure, sequestered Web site in order to retrieve that patient's medical data.

I will admit I came late to the table on health information technology and its promise to improve medical care in this country. My own attempts at electronic medical records, electronic prescribing seemed to increase the time involved with every patient interaction. And, of course, there is no additional compensation for that increased time with every patient interaction.

But last January, my committee, the Oversight and Investigations Subcommittee of Energy and Commerce, went to New Orleans and had an opportunity to visit Charity Hospital. And there in the basement in Charity Hospital we were still walking through water that was still in some places ankle deep, looking in the medical records room there in the basement of Charity Hospital. Here were rows and rows and rows of medical records that were absolutely ruined when the basement flooded and the water came in and now had black mold growing up and down the sides to some places where you couldn't even read those bright pastel numbers that were on the sides of medical records.

Clearly, Katrina showed us how vulnerable our medical data can be even in a venerable institution like Charity Hospital in New Orleans that you just assume is always going to be there and those records are always going to be there. Well, this time they weren't. And when some of those individuals came to Texas and came to north Texas, it made delivery of their medical care much more difficult.

The bill that we passed does provide for updating some standards, reporting on the American health information community, with a strategic plan for coordinating the implementation of health information technology.

Well, talking about Charity Hospital, talking about New Orleans, I mentioned that we were going to discuss preparedness. And we are just beyond the 1-year anniversary of Hurricane Katrina. We have to step back and ask what we have learned. While we watched that hurricane, my wife and I, coming up the Gulf of Mexico, it was almost like watching a train wreck in process. We were transfixed by the hourly reports of the progress of the hurricane. It looked like it was just going to hit the central city of New Orleans and just at the last minute took a little bit of a turn back to the east, and the central city of New Orleans was spared. And I think the headline in my paper was ''Bullet Dodged,'' or something to that effect. It was only later, not even that day but the next day, on Tuesday, when we realized how serious the situation had become because of the flooding caused by the breaches in the levees.

Back in my district, my home district in north Texas, we watched, of course, as people were taken into the Astrodome and then, of course, as the waters rose. And people who had not left the city of New Orleans had to be evacuated. Many of them were evacuated to Dallas, Texas, to Fort Worth, Texas, where my district office is in southern Fort Worth. A gymnasium on the same campus where my district office is was converted to a shelter for individuals who had been displaced. We set up 250 pallets that night. We had chicken dinners that were donated by a restaurant, waiting for displaced persons from Katrina when they arrived. Some very tragic stories from some of the individuals who arrived there over the next couple of days.

I got a call from my staff, and they asked me how soon can a woman who has had a C-section sleep on the floor? I said, why do you want to know this information? They said, well, we have three women here who just had C-sections, and we want to know if we can put them on pallets or if we have to find cots for them.

I said, I will be right there.

One of these individuals, her baby had been in intensive care. They were separated in the process of the evacuation. And it was only after several days with my staff spending every hour on the phone that we were finally able to reunite mother and baby. And just

this past week they had a 1-year anniversary there in Mississippi with mother and baby, celebrating the anniversary of not the child's birth, but the mother and baby getting back together after the hurricane was over.

The Dallas County Medical Society, on a holiday weekend, Labor Day weekend, the blast fax went out to probably 800 members of the Dallas County Medical Society. A quarter of them showed up in the parking lot of Reunion Arena to help with the medical care for people who had been evacuated from the Louisiana Gulf Coast. What a tremendous story of all of the individuals getting off the buses that evening. They had a triage desk set up. If someone had been off their meds and simply needed meds, there was a mobile pharmacy set up where they could be administered those medications.

And of all of the people who got off the buses that night, in the thousands, only about 200 required hospitalization as a result of having been in a shelter and off their medications for several days. The doctors that were there did a tremendous job of identifying who was sick and who was simply in need of a hot shower and a warm place to sleep and getting back on their medications.

One of the other great stories was there was a lot of fear with this many people crowded into a shelter, would there be an outbreak of transmissible illnesses like gastrointestinal illnesses, infectious diarrhea? They had hand sanitizers. You could not walk 10 feet without someone putting a bottle of hand sanitizer in your hand. People used them repeatedly throughout the day and night, and as a consequence, only a very limited number of people actually had any type of gastrointestinal illness. They were quickly sequestered in another facility, and as a consequence, a public health crisis was averted.

In follow-up, I have traveled to New Orleans twice in the past year, once in October at the request of one of the hospitals down there to try to get some help for their medical providers. And then in January, as I mentioned, our Oversight and Investigation Subcommittee went to New Orleans, and we had a hearing down there. It really was remarkable to see what the difference in preparedness between the Charity Hospital and the private hospitals, Tulane University Medical Center.

HCA hadn't planned necessarily for a hurricane, but they had some disaster plans in place. They had been rehearsed. They had been practiced. And as a consequence, when we were there in January, they were about ready to open their emergency room again. Charity Hospital still appeared to be light years away from being able to reopen.

□ 2345

So some of the lessons that came out of that trip down there were when you have disaster plans, when you have preparedness plans, it is not good enough to just have them and have them on the shelf. And I heard this from nursing homes, and I heard this from hospitals that, unfortunately, there were places that had purchased disaster plans but no one had looked at them. You have got to take them off the shelf, you have got to break the seal, you have got to break the shrink wrap that surrounds them, and you have got to practice them.

Our chairman of the House Government Reform Committee held a series of hearings on what happened in the aftermath of Hurricane Katrina. And for any House Member who hasn't read or at least looked at that publication that they put out as a result of those hearings, the title was ''Failure of Initiative.'' That is truly an outstanding work that Chairman DAVIS did, and I know every House Member got a copy of that and I would recommend that they look at that. Remember, this was a committee, a special select committee. It was bipartisan, though many people on the other side of the aisle chose not to participate. It wasn't an unelected, unaccountable commission like the 9/11 Commission. These were our House Members who were truly interested in what happened in the aftermath of Katrina and were very interested in getting it right.

As you think about Hurricane Katrina, as you think about 9/11 and some of the disasters that have befallen not just this country but the world, with the tsunami right after Christmas in 2004, the fact of the matter is we just can't afford to fail next time, whether it is a hurricane, whether it is a terrorist, or whether in fact it is a problem with a worldwide pandemic.

And I won't spend a lot of time on this, because I can talk about the avian flu for an hour in and of its own right, but just a couple of points. As of September 8, 2006, just last week, the World Health Organization had confirmed 244 human cases of avian flu with 143 deaths.

What is so remarkable about this illness is that it seems to be so lethal. That is an over-50 percent mortality rate for influenza. That is unbelievable to have that type of mortality rate.

During the summer months on a trip over to Iraq and Afghanistan, I was actually able to stop in Geneva for a few hours and talk to some of the folks at the World Health Organization. At that time, when I was there, there were coordinating efforts between 192 different countries. Dr. Michael Ryan, who is the director of the Strategic Health Operations Center, provides strategic support and global coordination to the World Health Organization, the Center for Disease Control, and our own Health and Human Services Administration. Dr. Ryan, I should point out, is on loan to the World Health Organization from the Centers for Disease Control. And the idea is that we won't reinvent a global CDC over there, but we will take the expertise of the CDC, apply it to the World Health Organization, and allow them a greater reach as far as monitoring and notifying.

The concept is to control the disease at its source, culling of infected avian populations, isolation of infected avian populations, or humans should they become infected, vaccination and antivirals for people who are exposed or infected. We need intelligence, we need verification, and we need assessment, and we need a response, all of which can act globally, because as this map shows, it is indeed a global issue.

This shows eight areas where the avian flu has occurred and areas where human cases have occurred. If you notice the time line, the arrows are pointing from east to west. And with the migratory flyways, it is possible that in wild birds and wild water fowl, the carriage of this disease could occur from the eastern hemisphere to the western hemisphere perhaps as early as this fall or winter. To date, it has not been detected in the western hemisphere. To date, there has not been an easy or facile transmission from human-to-human. Human-to-human transmission only occurs with great difficulty. The virus hasn't undergone that mutation that would allow for facile transmission from human to human.

But clearly, with a disease that is so widespread in the avian population and with a disease that has shown such a striking lethality rate, it is critical to keep the surveillance up and to make certain that other countries do what they are supposed to do in this regard. International transparency is absolutely key. A country keeping silent on a problem it is having with this illness is not only not acceptable, but it may be lethal to other areas in the world as well.

It is already a pandemic in birds but not in humans. The best way to prevent a pandemic is to control it in animals before effective human-to-human transmission occurs, meaning to minimize cross-species contact and make certain that in countries where avian populations are infected that there is the proper culling of avian populations, and that it is done safely without unduly exposing those people who are handling the infected birds.

Protecting North and South America from this global health threat, all of the outbreaks have been contained so far. Indonesia was a point of particular concern a few months ago where many people appeared to be infected in a cluster, but it does appear that those were all a direct result of either living with infected birds or close human-to-human proximity that allowed for that human-to-human transmission.

Clearly, we have got to prevent the spread to the United States and Central and South America. The disease at this point may know no boundaries because of its distribution in the avian population. And other countries, it is critical we have got to monitor the disease at the border.

I did also take a trip just up the street to Bethesda, Maryland to meet with Dr. Anthony Fauci to talk with him about a vaccine development. There are some remarkable things that are going on as far as vaccine development.

I guess one of the important aspects of bird flu is we are going to develop more capacity for delivering more vaccine for just the regular flu as a consequence for the preparedness that is happening with getting ready for the possibility of a worldwide pandemic.

This may not be the one. Avian flu may sputter out and never be the pandemic that everyone fears. But the fact remains that almost for every century that anyone has kept track, about three pandemics per hundred years do occur. We did indeed have three during the last century, and even a relatively mild pandemic of the Hong Kong flu still claimed 50,000 lives in this country. So it is a matter of no small importance.

Additionally, we have got to be certain that, just like the nursing home in Louisiana that left their disaster preparedness plan on the shelf with the shrink wrap still on it, we have got to be certain that we take those plans down and we talk to our local first responders, our local health departments. And I had such a roundtable just last week in my district, very well received by the folks at the health department, by the administrators in all three hospitals in one of my counties. I wish we had a little more participation of the medical staff, but we did have some and I did at least receive an invitation to talk at one of their medical staff meetings.

But the key for us here in Congress is when faced with whether it be the avian flu, terrorist attack, another hurricane, we have got to be honest. No spin, no sugar-coating, no BS. And, above all, we have to communicate with our constituents and with our first responders back at home.

One other thing that I want to talk about as time runs short here is, and I mentioned this earlier, about a bill that is out there to reduce or restructure the number of mandates that are on health insurance. Again, Aetna Life and Casualty might look at 46 million uninsured individuals as potential market share if they only had a product that they could sell.

Now, in our Committee on Energy and Commerce we had a debate on a bill that would reduce significantly the number of State mandates on insurance policies in the individual market. This wasn't even discussed in the group health insurance market, but just the individual market. It was a pretty contentious debate and there wasn't a lot of agreement across both sides of the aisle, and that is unfortunate, because when the American people watch what this body does, they are really not interested in the tennis match or volleyball match that goes on from one side or the other. They want results. They want more affordable health care, health insurance. They want Aetna Life and Casualty to be able to look at that 46 million uninsured as a potential market share.

Well, what if we could get together across the aisle and discuss what is that basic package of benefits that we would like to see available in a health insurance policy, one that could be sold on the Internet from State to State. It seems like an almost impossible task, or at least it seemed almost impossible that night when we were debating this bill in the Energy and Commerce Committee. But the fact is we have already done that work. I say ''we.'' I wasn't here 30 or 40 years ago when the federally qualified health center statutes were first written. But in fact, in that statute in law is identified a basic package of benefits that has to be offered at every federally qualified health center.

Well, we have already agreed then in principle what that basic package of information is. Now, the information may be 30 or 40 years old, but perhaps we could sit down and decide which of those things we could eliminate because they are no longer necessary, which of those things we would have to add because we have learned some stuff since then, and then go to our private insurers and say, here is a basic package of benefits that, if you will abide by these rules and make certain people know what they are buying, that there is full disclosure about what is covered and what is not covered in these insurance policies, that you can then market this to the uninsured. And then give individuals who are unemployed a voucher or a pre-fundable tax credit to purchase that insurance. Or give that family that is of a low-wage earner, give them some additional health, buy down that premium.

These are the types of concepts that, really, the American people are anxious to see us work on, and I for one would really welcome the day that we could do that.

Just one last brief thing about the Medicare part D, the Medicare prescription drug program that actually started the first of this year. At the end of the enrollment period, well over 38 million people had prescription drug coverage under Medicare. This was the population, the Medicare population that was the largest population that didn't have access to a prescription drug plan if their employer or retiree insurance did not offer it.

This is a tremendous benefit. We will and do hear a lot of discussion about people who are caught in the so-called gap coverage. But remember, there are plans out there that if a person is willing to consider a generic compound, there are plenty of plans that cover in the gap; and in my home State of Texas, there was at least one insurance company that would cover both brand and generic in the gap.

So I would encourage people who have looked at the difficulty they are having with the so-called donut hole, when they re-up on their insurance plan, their prescription drug plan in November in that open enrollment period, look at one of those plans that will provide for coverage in the gap.

Madam Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. BOEHNER) for today after 2:30 p.m. on account of illness.

Mr. KELLER (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BUTTERFIELD) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, September 19 and 20.

Mr. WAMP, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and September 14.

ADJOURNMENT

Mr. BURGESS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, September 14, 2006, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

9321. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Joint Final Rules: Application of the Definition of Narrow-Based Security Index to Debt Securities Indexes and Security Futures on Debt Securities [Release No. 34-54106; File No. S7-07-06] (RIN: 3235-AJ54) received August 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9322. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Foreign Futures and Options Transactions — received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9323. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Cooperative Marketing Associations (RIN: 0560-AH42) received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9324. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Guaranteed Loans — Retaining PLP Status and Payment of Interest Accrued During Bankruptcy and Redemption Rights Periods (RIN: 0560-AH07) received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9325. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Blueberry Promotion, Research, and Information Order; Amendment No. 2 To Change the Name of the U.S.A. Cultivated Blueberry Council and Increase Membership [Doc. No. FV-03-701-FR] received August 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9326. A letter from the Administrator, Cotton Programs, Department of Agriculture, transmitting the Department's final rule — User Fees for 2006 Crop Cotton Classification Services to Growers [CN-06-001] (RIN: 0581-AC58) received August 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9327. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Amendment to the Beet Promotion and Research Rules and Regulations — Final Rule [No. LS-01-06] received August 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9328. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Apricots Grown in Designated Counties in Washington; Temporary Relaxation of the Minimum Grade Requirement [Docket No. FV06-922-2 IFR] received August 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9329. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Importation of Tomatoes From Certain Central American Countries [Docket No. APHIS-2006-0009] received August 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9330. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Untreated Oranges, Tangerines, and Grapefruit From Mexico Tansiting the United States to Foreign Countries [Docket No. 00-086-2] received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9331. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Agricultural Inspection and AQI User Fees Along the U.S./Canada Border [Docket No. APHIS 2006-0096] (RIN: 0579-AC06) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9332. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Ceritification; Mica-Based Pearlescent Pigments [Docket No. 1998C] received August 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9333. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fenpuroximate; Pesticide Tolerance [EPA-HQ-OPP-2006-0216; FRL-8087-6] received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9334. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Kresoxim-methyl; Pesticide Tolerance [EPA-HQ-OPP-2006-0333; FRL-8088-1] received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9335. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Phosphorous Acid; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2006-0561; FRL-8084-3] received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9336. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Quinoxyfen; Pesticide Tolerance [EPA-HQ-OPP-2006-0167; FRL-8088-8] received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9337. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No. R-1263] received August 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9338. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Electronic Fund Transfers [Regulation E; Docket No. R-1247] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9339. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Electronic Fund Transfers [Regulation E; Docket No. R-1265] received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9340. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7937] received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9341. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9342. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9343. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7929] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9344. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7927] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9345. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7786] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9346. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7652] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9347. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7931] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9348. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9349. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9350. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7585] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9351. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Organization and Operations of Federal Credit Unions — received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9352. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Loan Interest Rates (RIN: 3133-AD26) received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9353. A letter from the Chief, Program Analysis and Monitoring Branch, Department of Agriculture, transmitting the Department's final rule — State Administrative Expense Funds (RIN: 0584-AD53) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9354. A letter from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Special Demonstration Programs — Model Demonstrations for Assistive Technology Reutilization — received August 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9355. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Special Demonstration Programs — Model Demonstrations for Assistive Technology Reutilization — received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9356. A letter from the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in

Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9357. A letter from the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Duties of Plan Sponsor Following Mass Withdrawal (RIN: 1212-AA55) received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9358. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Renewable Energy Production Incentives (RIN: 1904-AB62) received August 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9359. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Supplemental Standards of Ethical Conduct for Employees of the Department of Energy and Residual Department Standards Regulation (RIN: 1990-AA19) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9360. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Amendment of Monograph for OTC Nasal Decongestant Products [Docket No. 1976N-0052N] (RIN: 0910-AR34) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9361. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of Fecel Calprotectin Immunological Test Systems [Docket No. 2006N-0276] received August 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9362. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana [Docket No. EPA-R08-OAR-2004-MT-0001, FRL-8202-1] received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9363. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule Fees (RIN: 3084-0098) received August 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9364. A letter from the Chief, Division of Policy and Directives Management, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Revision of Federal Migratory Bird Hunting and Conservation Stamp (Duck Stamp) Contest Regulations (RIN: 1018-AU56) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9365. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Special Rule for the Southwest Alaska Distinct Population Segment of the Northern Sea Otter (RIN: 1018-AU21) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9366. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reclassification of the Gila Trout (Oncorhynchus gilae) from Endangered to Threatened; Special Rule for Gila Trout in New Mexico and Arizona (RIN: 1018-AH57) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9367. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Continous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018-AU42) received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9368. A letter from the Secretary, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart A; Makhnati Island Area (RIN: 1018-AU70) received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9369. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018-AU42) received September 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9370. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program and State Children's Health Insurance Program (SCHIP) Payment Error Rate Measurement [CMS-6026-IFC2] (RIN: 0938-AN77) received August 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBIC 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. POMBO: Committee on Resources. H.R. 4893. A bill to amend section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming; with an amendment (Rept. 109–650). Referred to the Committee of the whole House on the State of the Union.

Mr. BUYER: Committee on Veterans' Affairs. H.R. 5835. A bill to amend title 38, United States Code, to improve information management within the Department of Veterans Affairs, and for other purposes; with an amendment (Rept. 109–651 Pt. 1). Order to be printed.

Mr. TOM DAVIS of Virginia. Committee on Government Reform. H.R. 1167. A bill to amend the Trust in Regulating Act to make permanent the pilot projects for the report on rules; with amendments (Rept. 109–652). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 1002. Resolution providing for consideration of the bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States (Rept. 109–653). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 1003. Resolution providing for the adoption of the resolution (H. Res. 1000) providing for earmarking reform in the House of Representatives (Rept. 109–654). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 1000. Resolution providing for earmarking reform in the House of Representatives; with an amendment (Rept. 109–655). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Government Reform discharged from further consideration. H.R. 5835 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SMITH of New Jersey (for himself, Mr. LANTOS, and Mr. PAYNE):

H.R. 6060. A bill to authorize certain activities by the Department of State, and for other purposes; to the Committee on International Relations.

By Mr. KING of New York (for himself, Mr. DREIER, Mr. HUNTER, Mr. BOEHNER, Mr. BLUNT, Mr. SMITH of Texas, Ms. HARRIS, Mr. PUTNAM, Mr. MCCAUL of Texas, Mr. MARCHANT, Mr. ROHRABACHER, Mr. ROGERS of Alabama, Mr. TANCREDO, Mr. KLINE, Ms. PRYCE of Ohio, Mr. PORTER, Mr. TAYLOR of North Carolina, Mr. CHOCOLA, Mr. BILBRAY, Mr. ENGLISH of Pennsylvania, Mr. LINDER, Ms. GINNY BROWN-WAITE of Florida, Mr. BOSWELL, Mr. ROYCE, Mr. HERGER, Mr. GARY G. MILLER of California, and Mr. SOUDER):

H.R. 6061. A bill to establish operational control over the international land and maritime borders of the United States; to the Committee on Homeland Security.

By Mr. FRANK of Massachusetts (for himself and Mr. OXLEY):

H.R. 6062. A bill to enhance community development investments by financial institutions, and for other purposes; to the Committee on Financial Services.

By Mr. PICKERING (for himself, Ms. ESHOO, Mr. HAYWORTH, and Mr. TANNER):

H.R. 6063. A bill to amend title XVIII of the Social Security Act to provide for coverage of remote patient management services under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. SAXTON, Mr. ALLEN, Mr. ANDREWS, Ms. BALDWIN, Mr. BASS, Mr. BISHOP of New York, Mr. BOEHLERT, Mr. BRADLEY of New Hampshire, Mr. CASE, Mr. CHANDLER, Mr. DINGELL, Mr. FARR, Mr. FITZPATRICK of Pennsylvania, Mr. GERLACH, Mr. HOLT, Ms. KAPTUR, Mrs. KELLY, Mr. KOLBE, Mr. LOBIONDO, Ms. MCCOLLUM of Minnesota, Mr. MICHAUD, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. SMITH of Washington, Mrs. TAUSCHER, Mr. UDALL of Colorado, Mr. VAN HOLLEN, and Mr. WALSH):

H.R. 6064. A bill to reauthorize Department of Agriculture conservation and energy programs and certain other programs of the Department, to modify the operation and administration of these programs, and for

other purposes; to the Committee on Agriculture, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANTOR:

H.R. 6065. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the payment of premiums for high deductible health plans, and for other purposes; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 6066. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RYAN of Ohio (for himself, Mr. LANGEVIN, Ms. KAPTUR, Ms. DELAURO, Ms. HERSETH, Mr. EMANUEL, Mr. LARSON of Connecticut, Mr. CLYBURN, Mr. STRICKLAND, Mr. FORD, Mr. OBEY, and Ms. ESHOO):

H.R. 6067. A bill to provide for programs that reduce the number of unplanned pregnancies, reduce the need for abortion, help women bear healthy children, and support new parents; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California:

H.R. 6068. A bill to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; to the Committee on Resources.

By Mr. WAXMAN (for himself, Mr. CARDOZA, Mr. OBEY, Ms. NORTON, and Mr. TIERNEY):

H.R. 6069. A bill to reform acquisition practices of the Federal Government; to the Committee on Government Reform, and in addition to the Committees on Armed Services, Rules, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURTHA:

H. Con. Res. 470. Concurrent resolution expressing the sense of Congress that the President should immediately replace the Secretary of Defense, Donald Rumsfeld; to the Committee on Armed Services.

By Mr. FOLEY (for himself, Mr. CLYBURN, Mr. SHAW, Mr. BACA, Mr. RAMSTAD, Mr. MEEKS of New York, Mr. SNYDER, Mr. WILSON of South Carolina, Mr. MCINTYRE, Mr. MICA, Mr. CAMP of Michigan, Mr. BONNER, Mr. BOOZMAN, Mr. GENE GREEN of Texas, Mr. HOEKSTRA, Mr. KNOLLENBERG, Mr. FORBES, Mr. ROGERS of Michigan, Mr. FILNER, Mr. ROSS, Mr. BOEHLERT, Mr. CRENSHAW, Mr. FERGUSON, Mr. ORTIZ, Mr. WALSH, Mr. BROWN of South Carolina, and Mr. BUYER):

H. Con. Res. 471. Concurrent resolution congratulating The Professional Golfers' Association of America on its 90th anniversary and commending the members of The Professional Golfers' Association of America and The PGA Foundation for the charitable contributions they provide to the United States; to the Committee on Government Reform.

By Mr. STARK (for himself and Mr. CONYERS):

H. Con. Res. 472. Concurrent resolution recognizing the independence of the courts of the United States; to the Committee on the Judiciary.

By Mr. DREIER (for himself, Mr. HASTERT, Mr. BOEHNER, Mr. BLUNT, Mr. CANTOR, Mr. PUTNAM, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HASTINGS of Washington, Mr. SESSIONS, Mrs. CAPITO, Mr. BISHOP of Utah, Mr. GINGREY, Mr. FLAKE, Mr. FITZPATRICK of Pennsylvania, Mr. KIRK, Mr. KENNEDY of Minnesota, Mr. CAMPBELL of California, Mr. FEENEY, Mr. SHAW, Mr. DAVIS of Kentucky, Mr. REICHERT, Mr. RENZI, Mr. CONAWAY, Mr. HEFLEY, Mr. BILBRAY, Mr. INGLIS of South Carolina, Mr. MARIO DIAZ-BALART of Florida, Mrs. DRAKE, Mr. RYAN of Wisconsin, Ms. HART, Mr. KLINE, Mr. SOUDER, Mr. SHADEGG, Mrs. BLACKBURN, Mr. PITTS, Mr. ISSA, Mr. KUHL of New York, Mr. PRICE of Georgia, Mr. KING of Iowa, Mr. HENSARLING, Mr. PENCE, Mr. MCCAUL of Texas, Mr. SMITH of Texas, Mr. BARTLETT of Maryland, Mrs. JO ANN DAVIS of Virginia, Mr. PEARCE, Mr. TERRY, Mr. SAM JOHNSON of Texas, Mrs. BIGGERT, Mr. GUTKNECHT, Mr. ROHRABACHER, Mr. MCHENRY, Mr. NEUGEBAUER, Mr. BRADY of Texas, Mr. HERGER, and Mr. GOODLATTE):

H. Res. 1000. A resolution providing for earmarking reform in the House of Representatives; to the Committee on Rules.

By Mr. LEWIS of California:

H. Res. 1001. A resolution providing for earmarking reform in the House of Representatives; to the Committee on Rules.

By Mr. FERGUSON (for himself, Mr. GARRETT of New Jersey, Mr. PAYNE, Mr. LOBIONDO, Mr. ANDREWS, and Mr. SAXTON):

H. Res. 1004. A resolution recognizing the historical significance of the Washington-Rochambeau march through New Jersey in 1781 as part of the march of American and French forces from Rhode Island to Virginia that culminated in the American victory at Yorktown, Virginia, in October 1781; to the Committee on Government Reform.

By Ms. HERSETH (for herself, Mr. ETHERIDGE, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Mr. LARSON of Connecticut, Mr. PETERSON of Minnesota, Ms. DELAURO, Ms. KAPTUR, Mr. HIGGINS, Mr. POMEROY, Mr. BOSWELL, Mr. TANNER, Mr. SKELTON, Mr. BERRY, Mr. ROSS, Mr. GRIJALVA, Mr. LEWIS of Georgia, and Ms. WOOLSEY):

H. Res. 1005. A resolution expressing the sense of the House of Representatives that September should be established a National ''Rural America Month''; to the Committee on Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. ROTHMAN, Ms. JACKSON-LEE of Texas, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. HOLT, Mr. PAYNE, Mr. LANTOS, Ms. LEE, Mr. SERRANO, and Mr. CONYERS):

H. Res. 1006. A resolution recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith; to the Committee on International Relations.

By Mrs. LOWEY:

H. Res. 1007. A resolution providing for consideration of the bill (H.R. 5147) to amend part B of title XVIII of the Social Security Act to repeal the income-related increase in part B premiums that was enacted as part of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173); to the Committee on Rules.

By Mr. MOORE of Kansas (for himself, Mr. BARROW, Mr. SALAZAR, Mr. CUELLAR, Mr. FRANK of Massachusetts, Mr. NADLER, Mr. DOGGETT, Ms. JACKSON-LEE of Texas, Mr. DELAHUNT, Ms. HOOLEY, Ms. BERKLEY, Mrs. NAPOLITANO, Mr. ISRAEL, and Mr. VAN HOLLEN):

H. Res. 1008. A resolution amending the Rules of the House of Representatives to provide for transparency of earmarks requests; to the Committee on Rules.

By Mr. PORTER (for himself and Mr. TIBERI):

H. Res. 1009. A resolution supporting efforts to promote greater public awareness of effective runaway youth prevention programs and the need for safe and productive alternatives, resources, and supports for homeless youth and youth in other high-risk situations; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

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

H.R. 25: Mr. GOODE.
H.R. 97: Mr. GONZALEZ.
H.R. 363: Mrs. TAUSCHER.
H.R. 500: Mr. KLINE.
H.R. 517: Mr. STRICKLAND, Mr. MEEK of Florida, Mr. GREEN of Wisconsin, and Mr. JONES of North Carolina.
H.R. 611: Mr. DELAHUNT and Mr. WEXLER.
H.R. 615: Mr. BROWN of South Carolina.
H.R. 874: Mr. GILCHREST.
H.R. 920: Mr. CALVERT.
H.R. 959: Mr. PETERSON of Pennsylvania.
H.R. 968: Mr. CRAMER, Mr. BOREN, and Mr. SIMMONS.
H.R. 1000: Ms. SLAUGHTER.
H.R. 1184: Mr. CLAY.
H.R. 1251: Mr. HINCHEY.
H.R. 1471: Mr. SCOTT of Virginia, Mrs. LOWEY, Mr. SHIMKUS, Ms. SLAUGHTER, and Mrs. CUBIN.
H.R. 1498: Mr. YOUNG of Florida.
H.R. 1694: Mr. WEINER.
H.R. 2231: Mrs. EMERSON.
H.R. 2238: Mr. SPRATT.
H.R. 2257: Mr. RUPPERSBERGER.
H.R. 2421: Mr. HEFLEY, Mr. KELLER, and Mr. GUTKNECHT.
H.R. 2567: Mrs. SCHMIDT, Mrs. MALONEY, and Mr. KLINE.
H.R. 2682: Mrs. BIGGERT.
H.R. 2719: Mr. RUSH and Mr. HASTINGS of Florida.
H.R. 2804: Mr. BONNER.
H.R. 2861: Mr. GENE GREEN of Texas, Mr. WAMP, and Mr. BOUCHER.
H.R. 2928: Mr. SPRATT.
H.R. 3162: Mr. SCOTT of Georgia.
H.R. 3183: Ms. WATSON, Ms. HOOLEY, and Mr. WU.
H.R. 3436: Mr. SHERWOOD.
H.R. 3479: Mr. EDWARDS.
H.R. 3569: Mr. NADLER.
H.R. 3931: Mr. NORWOOD.
H.R. 3954: Mr. TIERNEY.
H.R. 4033: Mr. POMEROY, Mr. PITTS, and Mr. SPRATT.
H.R. 4042: Mr. CLAY.
H.R. 4063: Mr. HINCHEY.
H.R. 4098: Mr. OBERSTAR.
H.R. 4137: Mr. SCOTT of Georgia.
H.R. 4212: Ms. MCCOLLUM of Minnesota.
H.R. 4217: Mr. BACHUS and Mr. WILSON of South Carolina.
H.R. 4259: Mr. DELAHUNT.
H.R. 4341: Mr. TIBERI.
H.R. 4550: Ms. SOLIS.
H.R. 4562: Mr. KINGSTON.
H.R. 4597: Mr. SHERMAN, Mr. DOYLE, Ms. CARSON, Ms. HARRIS, Mr. BAIRD, and Mr. JONES of North Carolina.

H.R. 4651: Ms. WATSON, Ms. ESHOO, and Mr. SCOTT of Georgia.
H.R. 4720: Mr. HUNTER and Mr. BILBRAY.
H.R. 4730: Mr. TERRY.
H.R. 4751: Mrs. JO ANN DAVIS of Virginia, Mr. TERRY, Mr. WOLF, and Mr. CARDOZA.
H.R. 4769: Mr. CAPUANO.
H.R. 4771: Mr. WALSH.
H.R. 4844: Ms. GINNY BROWN-WAITE of Florida and Mr. EHLERS.
H.R. 4893: Mr. ISSA.
H.R. 4896: Mr. MORAN of Virginia.
H.R. 4903: Mr. FRANK of Massachusetts.
H.R. 5005: Mr. CARDOZA.
H.R. 5092: Mr. DEFAZIO, Mr. ISSA, Mr. BILBRAY, Mr. FORD, Mr. PENCE, Mr. PORTER, Mr. BURGESS, Mr. RYUN of Kansas, and Mr. SPRATT.
H.R. 5099: Mr. BARROW and Ms. PELOSI.
H.R. 5139: Mr. KILDEE, Mrs. MCCARTHY, Mr. HIGGINS, and Ms. MCCOLLUM of Minnesota.
H.R. 5147: Mr. HINCHEY, Mrs. MCCARTHY, Ms. SCHAKOWSKY, Ms. MCCOLLUM of Minnesota, Mr. ISRAEL, and Mr. LEWIS of Georgia.
H.R. 5171: Mr. MCHUGH.
H.R. 5185: Mr. ANDREWS.
H.R. 5250: Mr. RUPPERSBERGER.
H.R. 5280: Mr. TERRY, Ms. ESHOO, Mr. PETERSON of Minnesota, and Mr. BACA.
H.R. 5295: Mr. GERLACH and Mr. SHIMKUS.
H.R. 5312: Mr. GRIJALVA.
H.R. 5348: Mr. PASTOR and Ms. SLAUGHTER.
H.R. 5442: Mr. RUPPERSBERGER and Mr. WOLF.
H.R. 5465: Mr. HAYWORTH.
H.R. 5493: Mr. REHBERG.
H.R. 5500: Mrs. KELLY and Mr. BASS.
H.R. 5549: Mr. GERLACH.
H.R. 5554: Mr. KELLER and Mr. BISHOP of Utah.
H.R. 5580: Mr. ISRAEL.
H.R. 5624: Mr. NEUGEBAUER, Mr. CARDOZA, and Mr. STEARNS.
H.R. 5633: Mr. MCCOTTER.
H.R. 5635: Mr. EDWARDS, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mr. BAIRD, Mr. MARSHALL, Mr. FORD, Mr. BOUCHER, Mr. DEFAZIO, and Mrs. CHRISTENSEN.
H.R. 5698: Mr. RAMSTAD.
H.R. 5699: Ms. BALDWIN.
H.R. 5702: Mr. POE.
H.R. 5704: Mr. BECERRA, Mr. BOOZMAN, and Mr. WALSH.
H.R. 5707: Mr. RAHALL.
H.R. 5709: Mr. ROTHMAN, Mr. BISHOP of Utah, and Mr. WELDON of Pennsylvania.
H.R. 5718: Mr. COBLE, Mr. TAYLOR of North Carolina, Mr. MCHENRY, Mrs. MYRICK, and Mr. MCINTYRE.
H.R. 5733: Mr. MOORE of Kansas, Mr. REHBERG, and Mrs. CAPITO.
H.R. 5740: Mr. GERLACH.
H.R. 5746: Mr. ADERHOLT, Ms. GINNY BROWN-WAITE of Florida, Ms. WATSON, Mr. LAHOOD, and Mr. FORTENBERRY.
H.R. 5751: Mr. GOHMERT, Mr. PITTS, Mrs. MYRICK, Mr. WILSON of South Carolina, Mr. GOODE, and Mr. BARTLETT of Maryland.
H.R. 5782: Mr. MCCOTTER.
H.R. 5795: Mr. GORDON, Mr. INSLEE, and Mr. SCOTT of Georgia.
H.R. 5835: Mr. RENZI and Mr. EVERETT.
H.R. 5862: Mr. HENSARLING.
H.R. 5888: Mr. TIBERI and Ms. SCHWARTZ of Pennsylvania.
H.R. 5896: Mr. PASTOR.
H.R. 5906: Mr. OBERSTAR.
H.R. 5931: Mr. SANDERS.
H.R. 5940: Mr. LANGEVIN and Mr. WEXLER.
H.R. 5955: Mr. BISHOP of Utah.
H.R. 5965: Mr. GEORGE MILLER of California, Mr. CARDOZA, Mr. POMEROY, Mr. SNYDER, Ms. HOOLEY, and Mr. CAPUANO.
H.R. 6029: Mrs. CUBIN, Mr. HAYWORTH, Mr. RENZI, Mr. PEARCE, Mr. GRIJALVA, Mr. COSTA, and Mr. CARDOZA.
H.R. 6030: Mr. GILCHREST, Ms. HOOLEY, Mr. EVANS, and Mr. CAMP of Michigan.
H.R. 6032: Mr. ROGERS of Alabama, Mr. ADERHOLT, Mr. MCGOVERN, and Mr. GOODE.
H.R. 6033: Ms. KAPTUR.
H.R. 6038: Mr. MCGOVERN, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Ms. WATSON, Ms. LEE, and Mrs. CHRISTENSEN.
H.R. 6039: Mr. PAUL.
H.R. 6042: Mr. DUNCAN.
H.R. 6054: Mr. RENZI.
H. Con. Res. 278: Mr. POE.
H. Con. Res. 317: Mr. SCHIFF.
H. Con. Res. 340: Mr. LEACH, Mr. BASS, Mr. CLEAVER, Mr. STARK, and Mr. SMITH of New Jersey.
H. Con. Res. 388: Ms. BORDALLO.
H. Con. Res. 404: Mr. SNYDER, Mr. BAIRD, Mr. BERMAN, Ms. ESHOO, Mr. SCOTT of Georgia, Mr. CAPUANO, Mr. SMITH of Washington, Mr. TIERNEY, Mr. BOUCHER, Mr. GEORGE MILLER of California, and Mr. CROWLEY.
H. Con. Res. 444: Mrs. JO ANN DAVIS of Virginia.
H. Con. Res. 465: Mr. HOLT and Mr. BOUCHER.
H. Res. 194: Mr. WEXLER.
H. Res. 518: Ms. BORDALLO, Mr. BOOZMAN, and Mr. WALSH.
H. Res. 526: Mr. LOBIONDO.
H. Res. 622: Mr. BILBRAY, Ms. SOLIS, and Ms. BERKLEY.
H. Res. 723: Mr. LATHAM, Ms. JACKSON-LEE of Texas, and Mr. PALLONE.
H. Res. 745: Mr. SMITH of New Jersey.
H. Res. 888: Mr. HONDA, Mr. PRICE of North Carolina, and Mr. LEWIS of Georgia.
H. Res. 940: Mr. PAYNE.
H. Res. 942: Mr. POE, Mr. HYDE, Mr. PENCE, Mr. BURTON of Indiana, Mr. CHABOT, Mr. ISSA, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. MCCAUL of Texas, Mr. GOHMERT, Mr. HOSTETTLER, Mr. GALLEGLY, Mr. FEENEY, Mr. JENKINS, Mr. BACHUS, Mr. DANIEL E. LUNGREN of California, Mr. FRANKS of Arizona, Mr. FORBES, Ms. HARRIS, Ms. ROS-LEHTINEN, Mr. LANTOS, Ms. FOXX, Mr. SMITH of New Jersey, Mr. TERRY, and Mr. SHERMAN.
H. Res. 943: Mr. UPTON.
H. Res. 969: Mr. ENGLISH of Pennsylvania, Mr. ROGERS of Alabama, Mr. GONZALEZ, and Mr. MEEK of Florida.
H. Res. 973: Mr. CASE, Mr. SHERMAN, Mr. BISHOP of New York, Mrs. DRAKE, Mr. LAHOOD, and Mr. BECERRA.
H. Res. 989: Mr. NEUGEBAUER, Mr. RYUN of Kansas, Mr. GOHMERT, Mr. ROYCE, Mr. PITTS, Mrs. MYRICK, Mr. FEENEY, Mr. TIAHRT, Mr. WILSON of South Carolina, Mr. GUTKNECHT, and Mr. CONAWAY.

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

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Senate

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.

God of grace and God of glory, Your providence has guided our ways in times past. You have taught us to trust You for each day and every event.

As our Senators seek to do Your will, renew their faith, rekindle their love, and regenerate their resolve. Give them the insight to know that not everything old is bad, nor everything new, good; conversely, not everything old is good, nor everything new, bad. Teach them through Your Spirit lessons they need to learn. May their highest aim be to love You and do Your will. Lead them with Your sure hand so they may follow You without hesitation.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, 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 will resume debate on the port security bill immediately following the 30-minute period of morning business. We have an agreement for a vote in relation to Senator REID's amendment to occur at 12:15 today. There is a point of order against that amendment, and therefore the vote is likely to be on a motion to waive the budget relative to that amendment.

The managers have done good work on the bill thus far, but we have not had an agreement yet as to when we can finish this security legislation. Therefore, last night I filed a cloture motion on the bill so that we will conclude the bill this week. I have indicated we are willing to vitiate that vote if an agreement is reached that will bring the Senate to a reasonable conclusion on this port security measure. In the meantime, we will continue to work on amendments, with rollcall votes each day. I also remind Senators that under the rule, Senators have until 1 p.m. today in order to file timely first-degree amendments.

MORNING BUSINESS

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

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

REAL SECURITY AMENDMENT

Mr. REID. Mr. President, shortly there will be a debate on an amendment that was offered on my behalf and a number of other Democrats.

It is an amendment that would implement all 41 recommendations of the bipartisan 9/11 Commission.

The amendment would equip our intelligence community to fight terrorists. In effect, what it would do is go back to what we have been doing for 27 years; that is, allow the Intelligence Committee every year to have a bill before this body, to allow them to update what needs to be done so they can proceed with intelligence activities in our country and around the rest of the world. We did not authorize the Intelligence Committee's work for the first time in 28 years last year. Now, this year, we have not done it again. This amendment would put that in effect.

Third, the amendment would secure our ports, rails, roads, airports, chemical and nuclear plants, and mass transit systems.

Fourth, the amendment would refocus America on the war on terror. I went into that in some detail yesterday.

Fifth, the amendment would provide better, updated tools to bring terrorists to justice.

Finally, the amendment would change course in Iraq. Certainly that is something the American people deserve and want.

Yesterday in Iraq, 65 Iraqis were found dead, a number of them beheaded, one with a note saying: Anyone that cooperates with Americans, this is what is going to happen to them. In addition to that, scores of others were killed in bombing incidents around the country. Two American soldiers were killed.

So the amendment would change course in Iraq. Americans deserve real security. This bill is real security. The amendment is real security. I ask colleagues on both sides of the aisle to join me in supporting this amendment.

I yield the floor, Mr. President.

The PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, may I proceed?

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

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The PRESIDENT pro tempore. You may.

Mr. ROCKEFELLER. I thank the President pro tempore.

NSA WARRANTLESS SURVEILLANCE PROGRAM

Mr. ROCKEFELLER. Mr. President, the National Security Agency has been wiretapping the conversations of Americans without obtaining court orders, as required by the Foreign Intelligence Surveillance Act, or FISA, for the past 5 years.

In recent months, a number of bills have been proposed which would codify the President's program of warrantless surveillance. The White House is now pushing the Senate Judiciary Committee to pass sweeping legislation that would amend FISA and grant the President unprecedented authority to undertake wiretapping in the United States without the judicial scrutiny currently required by law.

For Congress to legislate on this program in the coming days would not only be premature but irresponsible.

The fact remains that despite repeated assurances from the administration, Members of Congress remain in the dark and cannot answer fundamental questions about the program's existence, effectiveness or legal justification.

As one of the few Members who have received the most detailed information to date. I can tell you that, putting aside the legal argument, the administration has not been able to document convincingly the counterterrorism benefits of the program.

In fact for the past 6 months, I have been requesting, without success, specific details about the program including how many terrorists have been identified, how many arrested, how many convicted, and how many terrorists have been deported or killed as a direct result of information obtained through the warrantless wiretapping program.

I can assure you, not one person in Congress has the answers to these fundamental questions.

At the same time, let me be perfectly clear, I support all efforts to track down terrorists wherever they are using all of our best technology and resources. But it can and must be done legally and in a way that protects the rights of all Americans.

For 4½ years, the President had restricted knowledge of this program to the top leaders of the Senate and House and the two top leaders on the congressional Intelligence Committees.

By limiting the briefings to 2 of the 15 Intelligence Committee members, the White House had sought to prevent the committee from conducting the legally required oversight of the NSA program.

Because of this restriction on access to the program, the committee has been effectively prevented from knowing about the program, evaluating the program, and acting on the program.

Frankly, I believe the White House goal of the past 5 years has been to use the iron cloak of secrecy to keep Congress ignorant of and powerless to challenge a controversial program of suspect legality.

The repeated representations by the President and senior administration officials that the warrantless wiretapping program was and is subject to extensive congressional oversight are simply outrageous.

Entire committees, not individual Senators, report out legislation that authorizes and funds intelligence collection programs. The full Senate, not individual Senators, takes action to approve or reject this legislation.

The White House wanted a warrantless wiretapping program that was exempt from the scrutiny of both the courts and the Congress, even if it meant ignoring the legal requirements of FISA and the National Security Acts and shattering what had been decades of responsible, bipartisan congressional oversight of intelligence programs. Why?

Administration officials have stated that the fact that the NSA was collecting the communications of suspected terrorists coming in or out of the United States without a court's determination that probable cause existed was simply too sensitive to disclose to the other Members of Congress intimating that the congressional Intelligence Committees could not keep aspects of the program classified.

I would remind this administration that the Intelligence Committee is entrusted on a daily basis with the secrets that if disclosed would irreparably harm our national security, compromise multibillion-dollar collection programs, and even get people killed.

There are 15 members of the Senate Intelligence Committee and many more of my colleagues who at an earlier time served on the committee.

All Senators, by right of their elected position and the duties they are sworn to carry out have access to the details of these highly classified collection programs.

It is a sobering responsibility but members of our committee and the Senate as a whole have protected these secrets because each of us understands what is at stake.

In fact, as someone who has been briefed on the NSA wiretapping program, I can assure may colleagues that the sensitivity of the program pales in comparison with other intelligence activities our committee oversees on a routine basis.

My colleagues should be troubled by the fact that the only NSA intelligence collection program that the White House has directed be described in detail publicly is also the only NSA program the White House continues to withhold from the full Senate.

I want my colleagues to consider the implications of this carefully.

At a time when terrorism is the No. 1 threat to America's security, the White House has decided that Congress cannot be trusted with the job of protecting our citizens.

Instead of working with Congress, the President decided with an almost imperial disdain to ignore the constitutional role the legislative branch plays in providing for the National defense.

It wasn't until March 9 of this year, and after enormous pressure, that the administration agreed to allow five additional committee members and three staffers to be briefed into the program.

Another 2 months would pass before the White House agreed with our request that the entire committee membership be apprised of the program's operations.

However, contrary to public statements in recent months by the President and Vice President that Congress is being fully briefed, I am dismayed to report that this administration continues to pursue its policy of depriving the Congress the information it needs to understand and evaluate the NSA program's legal underpinnings, operational conduct, and usefulness in identifying and arresting terrorists.

On February 23, 2006, I wrote to NSA Director GEN Keith Alexander, Attorney General Alberto Gonzales and Director of National Intelligence John Negroponte requesting documents and information about the NSA program, including the Presidential orders authorizing the program, legal reviews and opinions relating to the program, procedures and guidelines on the use of information obtained through the program, and specifics about the counterterrorism benefits of the program.

This letter was followed up with a second more refined request on May 15 of 54 items based on briefings the committee had recently received.

The May letter repeated my earlier request for basic documentation and information, such as the Presidential authorization orders, which are essential in order for the Intelligence Committee to fully understand and thoroughly evaluate the NSA program, a necessary step before considering whether legislation relating to the program or amending FISA is needed.

Over 6 months have passed since I sent my original February letter and the Intelligence Committee has not received the requested information.

During this time, I and my staff director repeatedly raised the issue of the delinquent replies with White House and administration officials, including a direct appeal I made to Director Negroponte in July.

Six months and no response from the administration. This is simply unacceptable.

Three days after I met with Director Negroponte and expressed my concerns about the lack of a response to the February and May requests for documents and information, the Intelligence Committee received a fax from the NSA's Office of General Counsel forwarding ''a set of administration-approved unclassified talking points for members to use.''

The cover page of the fax included comments indicating that the talking points were prepared in response to questions from committee members about what could be said publicly about the NSA program.

When I read the talking points, I was stunned to find that the NSA provided political talking points.

Instead of providing the requested assistance in delineating what is and what is not classified about the program, the talking points contain subjective statements intended to advance a particular policy view and present the NSA program in the best possible light.

Instead of providing the committee with the documents and information requested a half year earlier and allowing the committee to complete its own review of the NSA program and to draw its own independent conclusions, the administration preferred telling committee members what to think and what to say.

The administration-approved talking points encouraged Senators to make statements such as ''I can say that the Program must continue; It is being run in a highly disciplined way,'' and ''There is strict oversight in place both at NSA and outside, now including the full congressional committees.''

The talking points also argue for changes to FISA claiming ''Current law is not agile enough to handle the threat'' and ''The FISA should be amended so that it is technologically neutral.''

These statements were intended to advocate the White House policy line rather than provide guidance on classification.

Even before the intelligence committee can finish its own review of the NSA program the administration attempted to use the members of the intelligence committee—the only committee witting of the program's details—as mouthpieces to parrot conclusive statements in support of White House policy.

These talking points are the latest examples of how the administration has co-opted an agency of the intelligence community to keep information from Congress in support of a controversial policy or program. Our committee has run into this disturbing practice with respect to the administration's program for the detention, interrogation and rendition of individuals suspected on involvement with terrorism as well.

The White House's unwillingness to provide requested information to the Congress on the detention and interrogation program for many years created a void in congressional oversight, eventually filled by the courts and the Hamdan decision earlier this year.

In this case, the administration took the calculated risk that it could go it alone, without working with Congress, and they guessed wrong.

Now faced with a court decision not to its liking, the White House is coming to Congress seeking a legislative remedy.

Evidently, the administration has failed to learn the lessons of this go-it-alone approach.

The documents I requested of the NSA, Justice Department, and Office of the DNI 6 months ago have been withheld at the direction of the White House.

The administration is trying to run out the clock on my requests in the hopes that Congress can be manipulated to pass legislation this session authorizing a program it does not fully understand.

At the same time, a simple request of the NSA to detail what is and is not classified about the warrantless surveillance program is forced to go through the White House and, as a result, turned into a litany of administration P.R. statements.

I and six other members of the Intelligence Committee wrote to NSA Director Alexander last month expressing our concerns over the appropriateness of these administration-approved talking points and objecting to the requirement that the NSA must clear with the White House any requested information about its own program before it is sent to Congress.

We also asked that Director Alexander review this incident and provided the committee in writing an explanation of by whom and on what authority these talking points were prepared, who approved of their distribution to members of the Intelligence Committee, and who made the decision that they should be cleared by the administration prior to being provided to committee members.

Mr. President, I ask unanimous consent to have printed in the RECORD the administration-approved NSA talking points, faxed to the Intelligence Committee on July 27, 2006, the August 29, 2006, letter to NSA Director Gen. Alexander signed by me and Senators LEVIN, FEINSTEIN, WYDEN, BAYH, MIKULSKI, and FEINGOLD, and the September 1, 2006, response from General Alexander.

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

From: Alonzo Robertson, Office of General Counsel.

Date: 27 July 2006.

To: Hon. PAT ROBERTS, Chairman, SSCI.

During recent Terrorist Surveillance Program (TSP) briefings, a number of members have expressed a desire to know what they can say about the TSP. Attached is a set of Administration approved, unclassified talking points for the Members to use.

We would appreciate it if you would distribute to the Members.

ALONZO ROBERTSON.

TALKING POINTS FOR INTELLIGENCE COMMITTEE MEMBERS TO USE ON TERRORIST SURVEILLANCE PROGRAM

The terrorist threat to this country is real. We need to do everything possible to make our nation safe, and we need to do it in a way that preserves our civil liberties.

As a member of an intelligence committee of Congress, I am fully committed to that goal. We are the watchdogs of the Intelligence Community, including the National Security Agency that is carrying out the Terrorist Surveillance Program.

I have been briefed on the Program and stood on the operations floor at NSA to see first-hand how vital it is to the security of our country and how carefully it is being run.

It would be irresponsible to reveal details because that would give our adversaries an advantage. My colleagues and I are very serious about protecting our nation's secrets.

I can say that the Program must continue. It has detected terrorist plots that could have resulted in death or injury to Americans both at home and abroad.

It is being run in a highly disciplined way that takes great pains to protect U.S. privacy rights. There is strict oversight in place, both at NSA and outside, now including the full congressional intelligence committees.

The Program is not ''Data mining''; it targets only international communications closely connected to al Qa'ida or an affiliated group.

I have personally met the dedicated men and women of NSA. The country owes them an enormous debt of gratitude for their superb efforts to keep us all secure.

Current law is not agile enough to handle the threat posed by sophisticated international terrorist organizations such as al Qa'ida. This is because the Foreign Intelligence Surveillance Act of 1978, or ''FISA,'' has not kept pace with communications technology and was not designed for the types of threats we now face.

Today, in part because of technological changes over the last 30 years, the FISA frequently requires judicial authority to collect the communications of non-U.S. persons outside the United States. This clogs the FISA process with applications for court orders that have little to do with protecting U.S. privacy rights.

The FISA should be amended so that it is technology neutral. This would return it to its original purpose of focusing FISA privacy protections on Americans in the United States. It would greatly improve the FISA process and relieve the massive amounts of resources currently being consumed.

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, August 29, 2006.

Gen. KEITH B. ALEXANDER,
Director, National Security Agency,
Fort George Meade, MD.

DEAR GENERAL ALEXANDER: If our intelligence agencies are to be successful in their mission, it is vitally important that they maintain their independence. It is the National Security Agency's (NSA) duty to make sure that policymakers and military leaders are presented with accurate, objective intelligence information. If the NSA, or any other intelligence agency, enters a policy debate, it risks the loss of policymakers' confidence and could compromise the agency's effectiveness. That is why we were so troubled by talking points that members of the Senate Select Committee on Intelligence recently received from the NSA.

The talking points at issue related to the NSA warrantless surveillance program and were accompanied by a cover page from the NSA's Office of General Counsel. The cover page included comments indicating that the talking points were prepared in response to questions from Committee members about what could be said publicly about the NSA program. Instead of providing assistance in delineating what is and is not classified about the program, the talking points contain subjective statements that appear intended to advance a particular policy view

and present certain facts in the best possible light.

The talking points include statements such as ''I can say that the Program must continue''; ''It is being run in a highly disciplined way''; and ''There is strict oversight in place, both at NSA and outside, now including the full congressional oversight committees,'' The talking points also argue for changes to the Foreign Intelligence Surveillance Act (FISA) claiming ''Current law is not agile enough to handle the threat'' and ''The FISA should be amended so that it is technologically neutral.'' These statements appear intended to advocate particular policies rather than provide guidance on classification.

As you know, the Congress is currently evaluating various aspects of the NSA program. The Senate Intelligence Committee is in the process of gathering information to understand operational aspects of the program, and the Senate Judiciary Committee has held public hearings related to the program's legal foundations. Several pieces of legislation dealing with this program and the FISA have been introduced in the Senate and the House of Representatives.

The future of the warrantless eavesdropping program and any proposed changes to the FISA are policy matters currently being considered in the political arena. We understand the Administration has a certain point of view regarding this program. The program is, however, the subject of consideration in the Congress.

We believe that it is inappropriate for the NSA to insert itself into this policy debate. In addition, we are particularly troubled by the statement on the cover page that the document is ''Administration approved, unclassified talking points for Members to use.'' We object to an intelligence agency, such as the NSA, clearing documents such as these with the Administration prior to providing them to the Congress.

We also would note that the administration has failed to provide the Committee with documents and other basic information we need to conduct the strict oversight of the NSA program that the NSA talking points suggest is happening.

We ask that you review this incident and provide the Committee in writing, no later than September 8, 2006, an explanation of by whom and on what authority these talking points were prepared, who approved of their distribution to members of the Senate Intelligence Committee, and who made the decision that they should be cleared by the Administration prior to their being provided to Committee members. We also ask that your response describe steps you intend to take to ensure that all NSA employees understand the importance of NSA maintaining its independence from policy debates.

Thank you for your attention to this matter.

JAY ROCKEFELLER.
EVAN BAYH.
RUSSELL D. FEINGOLD.
DIANNE FEINSTEIN.
CARL LEVIN.
BARBARA A. MIKULSKI.
RON WYDEN.

NATIONAL SECURITY AGENCY,
Fort George G. Meade, MD, 1 September 2006.

Hon. JOHN D. ROCKEFELLER IV,
Vice Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR VICE CHAIRMAN ROCKEFELLER: I appreciated the chance to talk with you yesterday about the concerns you raised in your letter of 29 August 2006 pertaining to a set of talking points on the President's Terrorist Surveillance Program (TSP) that NSA provided to the full Senate and House intelligence committees. I regret that our effort was misperceived as political.

As I stated on the phone, my intent was to respond to requests from intelligence committee Members who visited the Agency to oversee the TSP. They cited constituent concerns and asked what they could say publicly about the Program, and we wanted to be as helpful as possible. Because we are an Executive Branch agency, it is standard practice that NSA coordinated the talking points with the Department of Justice, National Security Council staff, and the Office of the Director of National Intelligence. We were especially concerned that nothing we gave out could or would be construed as classified.

I again assure you that we intended our effort to be apolitical. We are proud of our people, and our talking points reflect the pride in our service to our nation. I want to emphasize that NSA will not permit political considerations to taint our intelligence information.

If you have any questions, please call me or Michael Lawrence, Director of Legislative Affairs.

KEITH B. ALEXANDER,
Lieutenant General, U.S. Army,
Director, NSA.

Mr. ROCKEFELLER. Mr. President, it is clear to me that the administration's withholding of documents is designed to hamper the Intelligence Committee's review of the NSA program. Up to this point, information provided to the committee in briefings held since March has been filtered and generalized through charts and slides.

My attempts to obtain original documents, such as the Presidential authorizations, and to ask questions that go beyond these administration-approved briefings have been ignored.

This refusal to respond to legitimate information requests from the Oversight Committee, combined with the administration's over-restriction of member and staff access to the NSA program, is part of a cynical White House strategy to prevent Congress from either acting or forcing it to legislate on vital national security and privacy issues in the dark.

Twenty of the 100 currently serving Senators have been briefed on the NSA program at one point or another in the past 5 years. The White House currently allows only three members of the Intelligence Committee staff—two Republican staffers and one Democrat—to have access to the NSA program.

By contrast, there are well over a thousand employees at the NSA, CIA, FBI, Justice Department, Office of DNI, Pentagon and White House briefed into the NSA program.

I want my colleagues to take note of this disparity. Twenty Senators and three staffers compared with over a thousand executive branch employees.

If, in the remaining weeks of this session, the full Senate is asked to consider legislation to revise FISA or authorize aspects of the NSA warrantless surveillance program, it is untenable—if not unprecedented—to keep four-fifths of the Senate ignorant of why the changes are justified or what intelligence activities they are authorizing.

The Senate should insist that all Members be allowed to understand the NSA wiretapping program—with the appropriate care being taken to protect the remaining classified aspects not already acknowledged by the President—and be given the chance to draw their own conclusions about whether it is justified.

Finally, General Hayden and others have publicly stated that no legal concerns have been raised within the administration about the operation of the NSA program. Limited information presented to the committee contradicts this assertion. But the committee has been prevented from understanding the details and context of these internal debates about the program's legality due to the administration's stonewalling.

I urge my colleagues—we must insist on a full accounting of the NSA's ongoing 5-year program before acting on legislation that gives the President the authority to wiretap the phone conversations of Americans where a court has not determined that a probable cause standard has been met.

Mr. President, I yield the floor.

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

Mr. ISAKSON. Mr. President, I rise to speak for 8 minutes and ask the Chair to give me the signal when I have used that time.

The PRESIDENT pro tempore. The Senator has 16½ minutes.

UNITY IN THE WAR ON TERROR

Mr. ISAKSON. Mr. President, I am really delighted, after some of the things I have read and heard this morning. I decided last night to make the speech I am about to make. This morning, I want to go back to the speech the President made on Monday evening and go back to the President's clarion call for us to unite as a nation behind our effort to win the war on terror.

During the past 3 days—first Monday, September 11, where we all honored and mourned the tragic loss of 3,000 citizens, through today—I have read constant editorials and listened to numerous speeches that imply to me that that sense of unity doesn't really exist. I think the President was right to call for unity.

This morning I rise in an effort to have us focus on what we are really all about, not to point fingers or castigate anybody but to talk about what I believe is the ultimate war between good and evil. What happened on September 11 in 2001 was one of the most tragic events in the history of mankind. What the United States did, and what this President declared, by changing our policy from one of reaction to one of preemption was precisely the right thing to do. There is no doubt that in the last 5 years mistakes have been made. But there is no doubt that the greatest mistake would have been not to respond. It is now time for us to resolve to support this country, our men and women in harm's way, our intelligence agencies, with a resolve to see

it through to its conclusion, understanding that it is going to be a long and difficult battle.

We should not forget that the Cold War lasted half a century. As a youngster at R.L. Hope Elementary School in Atlanta, GA, I remember every week we practiced climbing under our desks as we did drills because we feared a nuclear attack from the Soviet Union. It was only when the Berlin Wall came down in the 1990s and communism was finally defeated that the Cold War ended.

This war could be as long and as difficult. But it is different. We fight an enemy with no uniforms, no diplomats, and no capital. It doesn't want what we have. They don't want us to have what we have. They don't want us to have the freedom of speech—for me to do what I am doing here—or for the press to criticize it. They don't want you to be able to bear arms if you are a law-abiding citizen or to go to church on Saturday or Sunday and worship or to not worship at all or the way you want. They don't want you to have the freedom to assemble and gather.

They are using those very inalienable rights of ours against us today and, in some cases, some of us are unwitting accomplices in that criticism. By way of example, we argue and parse about issues of interrogation and some issues of intelligence and surveillance, when every day that we fail to act the other side uses that against us to try to find a way to break us and kill American citizens. How else in the 21st century, in a world of computers and digital technology and cellular technology, can we track terrorists if we cannot listen to them? How in the world can we learn about those who would kill innocent Americans if we cannot interrogate them?

There was an editorial in the Monday paper, September 11, 2006, 5 years after 9/11, in my hometown paper, the Atlanta Constitution. It said, ''Power is found in our ideals not in our weapons.'' That is a great headline. They are right. One of the great ideals that the American people have is that we don't quit. We didn't quit in our revolution or in our Civil War or in World War I and World War II, and we cannot quit now. In this editorial, criticizing us in terms of Guantanamo Bay and Abu Ghraib, who is the moral authority quoted? None other than Osama bin Laden. The man that is quoted as questioning America's values is the man that relishes cutting off the heads of innocent American citizens, the man who takes pride in calling out and charging terrorists with attacking American citizens on 9/11, and the man who to this very day plots to kill innocent Americans.

We must listen to what they are saying, track what they are doing. When we capture them, we must get the intelligence necessary to save innocent lives. We must unite as a country, a media, political parties, and as a people to stand steadfastly behind this effort and see it through to conclusion.

I personally submit that we are getting pretty close. I think the fact that they are concentrating in Baghdad, the fact that we have seen what we have seen in terms of them trying to portray a civil war is because we have had them on the run and it is their last stand. You see, terrorism doesn't have to beat us on the battlefield. They only have to make us quit and come home. Then they can declare victory. We cannot let that happen.

I conclude my remarks by admonishing all of us, myself included, to join together to find solutions to move forward and support this effort to its conclusion and to its success. We should not tie the hands of our Armed Forces or our intelligence networks behind their backs. We should instead put our arms around them and embrace them, let them charge ahead and continue to track our enemies wherever they are and find out the information that is necessary. Then, and only then, will we be equalized in the war on terror and ultimately prevail.

I yield the floor.

The PRESIDENT pro tempore. The Senator has 10½ minutes remaining.

The Senator from South Carolina is recognized for 10 minutes.

Mr. DEMINT. Mr. President, I join my colleague, Senator ISAKSON from Georgia, in calling for the ceasing of this politicizing of a very important effort and the need to unify as a nation. As we commemorate the fifth anniversary of 9/11, I was reminded of how far we have come since that terrible day in securing America's homeland against future attacks, and how much further we have left to go.

I am thankful to be part of a Republican majority that is taking real action to make America safer, to secure our borders first, to strengthen port security with background checks for workers and scan every cargo container at our busiest ports for weapons of mass destruction.

President Bush and a Republican-led Congress have also shown relentless determination in the war against radical Islamic terrorists all around the world.

We prevented further attacks by uncovering and stopping 15 major terrorist plots against America and likely many others which are not public knowledge. We have frozen $1.5 billion in terrorists' assets in the United States through economic sanctions. We have implemented 37 of 39 recommendations of the 9/11 Commission. And we have liberated more than 50 million Afghans and Iraqis from despotism, permitting the first free elections in either country.

Just this week, the Senate took another important step to keep America's families safe by voting unanimously to pass the WARN Act, an important piece of legislation that will modernize our severely outdated emergency alert system using everyday technology such as cell phones and Blackberrys.

Meanwhile, and unfortunately, Democrats are trying to kill the port security bill by tying it up with political amendments—once again proving that they are willing to put their hope of winning an election ahead of the security of our country.

Unfortunately, during this election year, many of my Democratic colleagues seem more interested in posturing and pointing fingers than in putting forward serious proposals about how to deal with the ongoing terrorist threat. They accuse President Bush and Republicans of being satisfied with the status quo. Nothing could be further from the truth.

The Republican-led Congress has actively fought to secure America's homeland by funding critical ongoing needs of our troops and by increasing funds for border security, while Democrats have blocked commonsense efforts such as stopping the catch-and-release program for illegal immigrants which encourages more and more illegal immigration in this country.

The Democrats have blocked, or tried to block, the renewing of the PATRIOT Act, but we have been able to pass it despite the Democratic leader's claims to have killed it.

The Republican Congress is defending the use of military intelligence and law enforcement resources that have led to the capture of many of al-Qaida's top leaders and have helped to degrade al-Qaida's capabilities around the world. But these very techniques were criticized by my distinguished Democratic colleague this morning on the floor. We have to use the technology available to us to track communications, to stop financing of terrorism around the world, and if we don't we put our country at risk.

The Republicans have supported strong nominees for critical national security and foreign policy positions, such as U.N. Ambassador John Bolton, despite Democratic obstruction.

Again, despite continued Democratic obstruction, Republicans will continue to push a comprehensive agenda to secure America's homeland that will strengthen our borders with additional border agents, enforce immigration laws with worker verification, secure our ports with worker background checks, and support surveillance to find and stop terrorists before they strike.

What is the Democratic plan? The latest Democratic plan to secure our country is to complain about Donald Rumsfeld, to send a letter to the President telling him to do things in Iraq that have already been implemented and, as we heard this morning, to complain about the listening or tracking of phone calls from known terrorists.

I can't put it any better than my good friend, the Senator from Kentucky, Mr. MITCH MCCONNELL, who recently said while talking about Democrats' cut-and-run strategy:

> The Democratic leadership finally agrees on something—unfortunately, it's retreat.

Whether they call it redeployment or phased withdrawal, the effect is the

same: they would leave Americans more vulnerable and Iraqis at the mercy of al-Qaida, a terrorist group whose aim toward Iraqis and Americans is clear.

If Democrats spent half as much time fighting terrorists as they do this administration, America would win this war a lot faster.

Democrats claim to be the only ones who care about what Americans think, but Americans can see through their posturing. Compassionate rhetoric without a real plan for action is nothing more than an empty promise.

Republicans are committed to securing our homeland and have backed up that talk with action. Like my colleague, Senator ISAKSON, I invite my Democratic colleagues to join us in honoring the sacrifice of those who have already given their lives for freedom by providing real hope and security for all Americans instead of just partisan rhetoric.

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

The PRESIDING OFFICER (Mr. VITTER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, what is the pending business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now 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.

Pending:

Reid amendment No. 4936, to provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror.

Schumer amendment No. 4930, to improve maritime container security by ensuring that foreign ports participating in the Container Security Initiative scan all containers shipped to the United States for nuclear and radiological weapons before loading.

The PRESIDING OFFICER. Under the previous order, the time until 12:15 p.m. shall be equally divided in the usual form.

The Senator from Washington is recognized.

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

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

AMENDMENT NO. 4967

Mrs. MURRAY. Mr. President, I send an amendment to the desk on behalf of Senator STABENOW and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. STABENOW, for herself, Mr. LIEBERMAN, Mr. LEVIN, Mr. SCHUMER, Mr. DURBIN, Mrs. BOXER, and Mr. DAYTON, proposes an amendment numbered 4967.

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

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

The amendment is as follows:

(Purpose: To authorize grants for interoperable communications)

At the appropriate place, insert the following:

SEC. ___. EMERGENCY COMMUNICATIONS AND INTEROPERABILITY GRANTS.

(a) IN GENERAL.—The Secretary, through the Office of Domestic Preparedness of the Office of State and Local Government Preparedness and Coordination, shall make grants to States, eligible regions, and local governments for initiatives necessary to improve emergency communications capabilities and to achieve short-term or long-term solutions to statewide, regional, national, and, where appropriate, international interoperability.

(b) USE OF GRANT FUNDS.—A grant awarded under subsection (a) may be used for initiatives to achieve short-term or long-term solutions for emergency communications and interoperability within the State or region and to assist with any aspect of the communication life cycle, including—

(1) statewide or regional communications planning;

(2) system design and engineering;

(3) procurement and installation of equipment;

(4) training exercises;

(5) modeling and simulation exercises for operational command and control functions; and

(6) other activities determined by the Secretary to be integral to the achievement of emergency communications capabilities and communications interoperability.

(c) DEFINITIONS.—In this section—

(1) the term ''eligible region'' means—

(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes, or other general purpose jurisdictions that—

(i) have joined together to enhance emergency communications capabilities or communications interoperability between emergency response providers in those jurisdictions and with State and Federal officials; and

(ii) includes the largest city in any metropolitan statistical area or metropolitan division, as those terms are defined by the Office of Management and Budget; or

(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued under Homeland Security Presidential Directive 8; and

(2) the terms ''emergency response providers'' and ''local government'' have the meanings given the terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000,000 for each of fiscal years 2007 through 2011; and

(2) such sums as are necessary for each fiscal year thereafter.

The PRESIDING OFFICER. Who yields time? The Senator from Nebraska is recognized.

AMENDMENT NO. 4945

(Purpose: To provide emergency agricultural disaster assistance, and for other purposes)

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent to call up my amendment No. 4945.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The amendment is called up, and the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself, Mr. CONRAD, Mr. REID, Mr. SALAZAR, Mr. JOHNSON, and Mr. DORGAN, proposes an amendment numbered 4945.

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

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

(The amendment is printed in the RECORD of Tuesday, September 12, 2006, under ''Text of Amendments.'')

Mr. NELSON of Nebraska. Mr. President, first I would like to point out the cosponsors. Senators TALENT, LEAHY, OBAMA, DURBIN, DAYTON, SCHUMER, and CLINTON have all asked to be original cosponsors of my amendment.

I rise today to offer an amendment to H.R. 4954 that will provide much needed emergency relief to farmers, ranchers, and small businesses in rural America that today and for some time have been suffering the devastating impacts of natural disasters, such as the long-running drought in my home State of Nebraska.

A few years ago, I named the drought ''David'' to make the point that a drought is a natural disaster just like hurricanes—although it seems to be in slow motion—or floods or tornadoes and should be treated by Congress in much the same way because they are disastrous. Congress provides emergency relief to those who have suffered through devastating hurricanes, and there is no excuse for not helping farmers, ranchers, and businesses suffering from this natural disaster.

Unfortunately, in parts of Nebraska, Drought David is celebrating its seventh birthday, and yet Congress has failed to provide relief. I believe this relief must be addressed before Congress heads home for the elections, and I believe it should be addressed this week. That is why I am offering my amendment.

Ordinarily, I wouldn't offer an amendment to the port security bill because I certainly want to support that. But because of the lack of other opportunities and the increasing need for relief, I am faced, along with my cosponsors and others who will join me, with the recognition that there aren't many opportunities. And waiting until after

the election just doesn't seem appropriate. I thank Senator CONRAD for his tireless efforts to get disaster assistance legislation passed through the Senate and for his work to draft and introduce the Emergency Farm Relief Act of 2006 that is the basis for this amendment.

Every time I check the U.S. Drought Monitor—and we can take a look at Drought David on this chart—showing where and how severely this drought is affecting the rural parts of America, I see the entire Central United States, as my colleagues can note from this demonstration, is suffering from drought conditions that are categorized as severe, extreme, or exceptional, including the western two-thirds of Nebraska, which is currently suffering from severe to extreme drought, Nebraska being located right here.

In the Dakotas the same thing is true, and dropping down to Texas and moving east, we find that the entire central part of our country is under these extreme to severe drought conditions.

So there is a great need for this relief. Recently, in my State of Nebraska, Professor Brad Lubben at the University of Nebraska released a report on the drought's impact on Nebraska's farmers and ranchers. He concluded that as of August 2006, this year, the drought has cost Nebraska agriculture a total of nearly $342 million—not much money by some measurements in Washington, DC, but extraordinary in the State of Nebraska. He found that the drought has thus far caused $98 million in crop losses, mostly wheat; $1 million in additional irrigation costs; and about $193 million in livestock production losses which have been incurred as well due to pasture and range conditions that are substantially below average. Grazing losses in western Nebraska are estimated to be from 50 percent to 70 percent. Pretty simple: no grass, no grazing, cattle losses.

The 2006 production year is not yet complete, so we don't know the final impact this will have on corn, soybeans, and sorghum, but I have seen many fields that are devastated by this drought and many farmers who have been given the go-ahead to cut their crop for silage rather than corn production.

Congress and the rest of Washington must understand this problem is critical and recognize the need to address the devastating impact our farmers and ranchers have suffered.

This comprehensive package provides emergency funding to farmers and ranchers who have suffered weather-related crop production shortfalls, quality losses, and damage to livestock and feed supplies. The bill also helps farmers overcome losses as a result of energy prices that spiked during last year's hurricanes—certainly an incident our Presiding Officer knows very well.

The bill would also expand funding for the Emergency Conservation Program, some of which could be made available for rehabilitating grass and ranch lands in places such as western Nebraska and, I would imagine, in the Dakotas as well that were damaged from recent wildfires.

I recently toured some of the drought-stricken regions of western Nebraska, including Lake McConaughy which for so long has been called Big Mac but which now is, unfortunately, less affectionately referred to as Little Mac, and the communities that had been devastated by the wildfires last month. When I visited firefighting officials, emergency response coordinators, and community leaders, I asked them how we could help. This amendment will provide some meaningful and immediate assistance to Nebraskans who lost so much in these fires.

Recognizing the devastating impact the disasters have had on Main Streets all over rural America, the amendment also provides assistance for thousands of small businesses simply fighting to keep their doors open. When farmers and ranchers have inadequate income, obviously it impacts the Main Street of that community. Lower purchasing power, lower sales, and fighting to keep doors open is an obvious result. Drought affects related businesses such as feed lots, grain dealers, implement dealers, and even local store fronts that service rural communities. Drought doesn't just destroy farms, it economically damages our rural communities and businesses.

Now, I know we are discussing port security, as I said before. So, ordinarily, I wouldn't offer this amendment as a part of that bill, but I am offering it at this time because it is needed, and Congress needs to accomplish this before it leaves at the end of the month.

My question is a very simple one: If not now, when? If not now, when?

Our farmers and ranchers cannot wait. The devastating impact of Drought David threatens to drive many of our farmers and ranchers in rural communities and businesses out of operation, and without them we cannot expect to secure our food supply and we cannot expect to continue to grow our domestic alternative fuel supplies, which is such a critical part of our own fuel security in America today. When agriculture suffers, the opportunities for alternative fuels such as biofuels will suffer as well. That is why we need to do this.

If we fail to act and by our inaction we allow farmers and ranchers and rural businesses to dry up under the impact of this drought, then we have failed to ensure both our food and fuel security.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from North Dakota.

Mr. CONRAD. Mr. President, first I thank very much the Senator from Washington for her courtesy, and the Senator from Maine as well. I will be very brief.

I also recognize my colleague from Nebraska for his leadership and thank him publicly and personally for offering this amendment right now. Normally, I would never join in offering this amendment on port security, but this involves the food security of the country, and this has now become a critical matter in our part of the Nation. We just had a drought rally yesterday with farmers from all across America, joined by 14 Senators, on a fully bipartisan basis, and joined by my State's governor and joined by Members of the House of Representatives from the heartland of the country as well.

The message was clear and consistent: It is imperative that Congress act now. If there is a failure to act, literally thousands of farm families will be forced off the land. That is how acute this crisis has become. By scientific measure, they now tell us this is the third worst drought in the Nation's history.

The extraordinary irony is that last year in my State we had massive flooding—flooding that prevented 1 million acres from even being planted. I note the occupant of the Chair represents the State of Louisiana which suffered so dramatically from Hurricane Katrina. Those of us outside that area agreed to help and support disaster assistance because it was clearly needed, and we were pleased to step forward and offer our assistance. I might say to the occupant of the Chair and to others who are listening: Now we have suffered as a result of a disaster. It is different. It is not as dramatic, but for those affected, it is every bit as dire. I say to my colleagues, this is one of the worst situations I have seen in my lifetime in the State of North Dakota.

Last year, here is what the headlines said all across the State: ''Heavy Rain Leads To Crop Diseases.'' ''Area Farmers Battle Flooding And Disease.'' ''Beet Crop Could Be Smallest In Ten years.'' ''Crops, Hay Lost To Flooding.'' ''Rain Halts Harvest.''

It was a devastating year. As a result, last year I offered disaster legislation that formed the basis of this amendment. I updated that legislation on Wednesday of last week. We now have 20 cosponsors in the Senate on a fully bipartisan basis saying this legislation is needed, it is needed urgently, and it is needed now.

This is a picture from last year of a farmstead in North Dakota completely surrounded by water. I know these are remembrances to the occupant of the Chair of what happened in his own State of Louisiana. Again, we would be quick to acknowledge the disaster in the Gulf States is more dramatic, more far-reaching, but this is national legislation. This wouldn't just help those of us hurt by flooding last year and drought this year; this would help all those wherever they are situated who have suffered from a natural disaster.

This year, as the Senator from Nebraska just demonstrated, this is what

the Drought Monitor shows: Right down the center of the country, a very persistent and extreme drought. In fact, they have a schedule that goes from abnormally dry to moderate drought to severe drought to extreme drought to exceptional drought, exceptional drought being obviously the most extreme. And you can see the core of the exceptional drought is right in the heartland of America. But we are not alone because we can see areas of exceptional drought right down the center of the country, all the way over to the State of Arizona. Not only did we have extraordinary drought, we had the most incredible summer of extreme temperatures that I have ever seen in my lifetime, culminating on July 30 in my hometown when it reached 112 degrees—112 degrees. I went to a corn farm south of Bismarck, ND, that was irrigated—irrigated corn. We stripped the corn of its husk and the ears weren't filling, even though they were putting tens of thousands of gallons of water on that field a day. Why not?

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. CONRAD. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. CONRAD. Mr. President, this is a farm field in North Dakota. This is supposed to be a cornfield. You can see there is nothing there; it is devastated. This is widespread in my State.

This picture is from Grant County, an alfalfa field, and you can see it is in a Moon state. There is nothing there.

Let me just conclude by saying to my colleagues, this is an urgent matter. This is a response to a disaster. If we fail to act, the bankers of my State have told me we will lose 5 to 10 percent of the farmers and ranchers in my State. South Dakota is worse, and this disaster goes right down the center of our country. The time to act is now.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 4936

Ms. COLLINS. Mr. President, earlier today in morning business, the Democratic leader spoke in favor of the amendment that he has brought to the Senate floor which we will vote on shortly this afternoon. I rise in opposition to Senator REID's amendment.

Mr. President, this is Senator REID's amendment, and this is the port security bill. I can barely hold up the 507 pages of the Democratic leader's amendment. It is an interesting hodgepodge of provisions that are irrelevant to the underlying bill—to port security. It includes provisions that have already been rejected by the Senate. It includes provisions that have already been enacted by the Congress and signed into law. It includes provisions that have just recently been passed by the Senate and added to the port security bill.

What it does not include are provisions that have to do with port security. This proposal, 507 pages, includes 37 pages of findings, 16 senses of Congress, and no fewer than 95 reports, certifications, and determinations.

Let me tell my colleagues a bit about what is actually in Senator REID's amendment. Let's go first to the category of provisions which have already been rejected by the Senate. Let me give two examples. The legislation includes, word for word, the exact same language regarding the involvement of the United States in Iraq that was soundly rejected by the Senate by a vote of 39 to 60 in June of this year. This is the language that calls for a phased redeployment of U.S. forces in Iraq. It has nothing to do with port security, and it is legislation that this body has already thoroughly considered and voted against.

Let me give a second example of provisions of the Reid amendment on which the Senate has already spoken. The Reid amendment contains a first responder funding formula amendment that is almost identical to the one the Senate rejected earlier this year by a vote of 32 to 65. Indeed, the sponsor of this amendment voted against the formula change he has included in this bill, as did a total of 25 Democratic Senators, the majority of the Democratic caucus. It is not surprising that they did, for if the Reid amendment were to pass, 34 States would lose money for homeland security activities. It is also ironic that the funding formula included in Senator REID's amendment is an implicit endorsement of the funding allocation decisions that were so widely and correctly criticized earlier this summer.

This bill would give the Department of Homeland Security additional discretion in allocating homeland security funds. We know what happened when we gave the Department additional discretion. The outcome was not a good one.

I mentioned that the amendment also includes provisions that have already been signed into law. Let me give an example. Mr. President, 105 pages of this 507-page amendment have to do with implementing the 9/11 Commission's recommendations on foreign policy and public diplomacy. The proposals outlined in that section of Senator REID's amendment were signed into law as part of the Intelligence Reform Act of 2004. They are almost exactly the same as title VII of the Intelligence Reform Act of 2004. Why do we need to repeat this? It is already law. How does enacting it a second time somehow improve our national security? It makes no sense.

Let's move to the third category; that is, provisions in this amendment which have already passed the Senate. There are many good examples of that, but let me just cite two. They have to do with the rail security and mass transit security amendments which we have already adopted.

Senator MCCAIN's rail security amendment was adopted very early in the debate on this bill. The proposal offered by Senators SHELBY and SARBANES last night is identical to the mass transit security provisions in the Reid amendment. Since those two amendments have already been included in the bill, why would we want to do it all over again?

I think what most disturbs me about Senator REID's proposal is that it is clearly a partisan amendment that has been offered to a bill, the port security bill, that has been bipartisan every step of the way, from conception to introduction to committee consideration to the floor deliberations. Port security is so important. I know the Presiding Officer understands that well, coming from Louisiana. We have gone to great lengths to make sure that the port security bill was bipartisan.

PATTY MURRAY has been the leader on this bill on the Democratic side. Senator LIEBERMAN worked hard on it in the Homeland Security Committee. NORM COLEMAN, Senator COLEMAN, on our side of the aisle, worked with Senator LEVIN to investigate port security programs.

Even in the House, this has been a completely bipartisan—indeed, a nonpartisan—effort, with the legislation being authored by Representatives DAN LUNGREN and JANE HARMAN.

At every step of the consideration, this has been a bipartisan bill. When it went through the Homeland Security Committee, it was bipartisan. In the negotiations with the Commerce Committee and the Finance Committee, it was bipartisan. It is very unfortunate that we are now having a blatantly partisan amendment offered to a bill that I had hoped would be the exception to the rule, a bill we could enact in a bipartisan manner, because it is so important that we act without delay.

As I indicated, from the very beginning of the discussions on this bill, from the hearings, through the committee markups, through visits to ports around the country, it has always been bipartisan. Let's not weigh this bill down with partisan amendments. Instead, let's get the job done and send this bill, a bipartisan bill, to the President for his signature without delay.

I reserve the remainder of the time on this side.

Mr. DEMINT addressed the Chair.

The PRESIDING OFFICER. Who yields time? Who yields time to the Senator from South Carolina?

Ms. COLLINS. Mr. President, I will be happy to yield time to the Senator from South Carolina, depending on how much time he needs.

Mr. DEMINT. About 5 minutes.

Ms. COLLINS. That will be fine. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 4970

Mr. DEMINT. Mr. President, I call up amendment No. 4970.

The PRESIDING OFFICER. Is there objection to the calling up of the amendment?

Mr. SALAZAR. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I ask my colleagues for unanimous consent that following the remarks by Senator DEMINT, I be recognized for 6 minutes on the time remaining on this side.

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

Mr. SALAZAR. Reserving the right to object, I would like to see a copy of the amendment. We may not object, but I would like to see a copy of the amendment.

Mr. DEMINT. Mr. President, I will speak on the amendment and we will call it up once the copies are available to the minority, if that is OK?

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

The Senator from South Carolina is recognized for 5 minutes.

Mr. DEMINT. Mr. President, I rise today, obviously, in support of amendment No. 4970 which we will distribute in a moment. The Maritime Transportation Security Act of 2002 required the Transportation Security Agency, which we call TSA, to develop a biometric security card for port workers to limit access to sensitive areas within a seaport. To satisfy this law, TSA is developing a transportation worker identification credential which we call a TWIC card. The law requires that the Secretary of Homeland Security issue a card to an individual requesting one unless determination can be made that they pose a terrorism threat. However, it should trouble Americans that the law specifically allows those who have been convicted of a felony more than 7 years prior to their application or have been released from incarceration 5 years prior to their application to be eligible for a TWIC card. This standard is too lax and must be strengthened. DHS officials need clear rules that prevent those convicted of serious felonies from obtaining access to our secure port areas. My amendment does just that. It takes the standards the TSA uses for airport workers with access to secure areas and applies them to maritime port workers.

Let me make that clear. The exact same standards that are used in our airports for workers are in this amendment to apply to transportation workers at our port. Just like the TSA airport safety regulations, my amendment automatically bars those convicted of serious felonies, which are listed in this amendment, including crimes of violence, fraud, bribery, and terrorism, from being allowed to obtain one of these transportation cards.

TSA's airport rules have successfully kept felons out of the airport workforce, and it is time we do the same for our seaport workforce. Because of the gravity of the threat facing our ports, we cannot afford to roll the dice by hiring convicted felons. The stakes are too high.

When setting policies that will keep our transportation system secure, we are continually told by experts that we must identify and reduce risk in every situation possible. This amendment will prevent high-risk individuals from having access to our most sensitive port areas.

Keep in mind, felonies are serious crimes that are punishable by incarceration or death. This amendment is not aimed at so-called youthful offenses or individuals who have received several traffic tickets. My amendment also does not take away the current ability of the Secretary of DHS to grant a waiver for exceptional cases. Felons, through their previous criminal activity, are more likely to be persuaded to look the other way when a suspect shipment comes through the port. This suspect system could contain a variety of dangerous items—dirty bomb, weapon, contraband to sell that would help finance terrorist operations, just to name a few. Someone who will commit extortion, fraud, or traffic in drugs should not be trusted to protect the security of our maritime cargo. While felons do need a second chance, it should not come at the expense of an extremely vulnerable part of the U.S. port infrastructure.

I know some people may object to my amendment by saying that longshoremen might be criminals but they are not terrorists. I do not believe longshoremen are criminals, by the way, but that is why we need to allow DHS to focus on crimes that specifically relate to terrorism. While it may be true that many of the criminals working in our ports do not wake up with the intent to promote terrorist activity, this does not mean they do not pose a terrorist security risk. What I and many others fear is that convicted felons could pose a security terrorist risk by working with those criminals associated with trying to sneak drugs or stolen goods into this country. It might actually turn out to be 50 grams of plutonium instead of 50 grams of cocaine that could be used as a dirty bomb that would poison—kill thousands of people, or maybe it is not part of a dirty bomb or chemical weapon. Maybe it is just ordinary contraband which could be used to help fund terrorist activity in the United States.

Some others think it is too expensive to automatically exclude individuals who have committed one of these serious felonies from working in our ports.

To those objecting colleagues I would say: please detail to us which one of the airports in their State these offenders should be working at, because the list of felonies we use was lifted right from the same list the TSA uses for airports.

Another argument I have heard is that we are not going to have enough people to work in our ports.

This is an exaggeration. The fact is, the TWIC card will be rolled out and workers who need to have access to the secure area will apply for the TWIC card. As a practical matter, felons know who they are, and they know that they will not be issued a TWIC card. The likely effect is that they will never apply for a card in the first place. The local union will immediately notice that a number of its workers are not applying for TWIC cards. They will then have the opportunity to reach out to their communities and find new union members to fill the spots.

Logistically, this is not a huge challenge. The port of Charleston has 2,000 longshoremen working there. If severe criminality, as outlined under the amendment is rampant within the workforce and is at the high level of 10 percent—which is nearly double the national average for incarceration at one point in their lifetime of 6.6 percent—that would only mean that they would need to replace 200 workers in the whole port of Charleston.

The bottom line is this applies the same protection to seaports that applies to airports. The current TWIC regulatory regime writes their security regulations to fit their workforce. It should be the other way around. The workforce regulations should be written to meet their security needs.

Mr. President, I ask we call up the amendment and have it read.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment and calling up this amendment? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment 4970:

(Purpose: To prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes)

At the appropriate place, insert the following:

SEC. ____. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(xii) murder;

''(xiii) assault with intent to murder;

''(xiv) espionage;

''(xv) sedition;

''(xvi) kidnapping or hostage taking;

''(xvii) treason;

''(xviii) rape or aggravated sexual abuse;

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

''(xx) extortion;

''(xxi) armed or felony unarmed robbery;

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

''(xxiii) felony arson;

''(xxiv) a felony involving a threat;

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

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

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

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

Mr. DEMINT. Mr. President, I allowed the amendment to be read because our critics have already suggested that this amendment would include minor offenses. I will challenge critics of this bill to point out which of these felonies they would like transportation workers in our ports to be able to commit. It makes absolutely no sense for us to spend literally hundreds of millions of dollars as a nation to protect the security of our airports and our ports if we allow the workers who are using this scanning equipment for these inspections to be of a criminal nature.

I thank the manager for allowing me to offer this amendment.

I yield the floor.

Mrs. MURRAY. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Forty-six minutes.

Mrs. MURRAY. Mr. President, I yield 6 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 4945

Mr. SALAZAR. Mr. President, I rise today to speak in support of the emergency agricultural disaster assistance package. At the outset, I commend my colleague, Senator KENT CONRAD, for having taken the leadership role in making sure we are taking care of the needs of family farmers and ranchers across America. I also congratulate Senator NELSON for his leadership on this issue this morning.

Last night, as America went to sleep, much of America—the farmers and ranchers who bring us the food security in this country—continued to work way into the night. I can assure you that across this country, where those combines are running until 11 or 12 or 1 o'clock in the morning, those farmers are working. Today probably starting at about 3 or 4 in the morning, there were many farmers who were out there trying to bale their hay with the leftover dew from the nighttime, making sure they were baling what was left in a way that would bring them the maximum production. While the rest of America slept, America's farmers and ranchers were working very hard to make sure that the food security of this country was, in fact, maintained. As those farmers and ranchers went home to get a few hours of sleep, what was probably on their minds was whether their family farm or ranch was going to be there the following year and whether they were going to be able to pay off their operating lines of credit for the mortgage payments at the local bank.

The fact is, rural America is in trouble. Farmers and ranchers are very much in trouble because of two factors which have been totally out of their control for the last couple of years. One of them is drought and the other is the high cost of fuel. Those two factors combined create a disaster emergency that is unfolding across America today.

On this picture to my left, you will see a cornfield in Kit Carson, CO, which turned completely brown because of the severe drought in my State. This drought we see going on in Colorado has had this kind of effect not only this year but for the last 7 years. Colorado is now in its seventh year of a very severe drought that will have a very major impact on the opportunities and the economies related to these farmers and to the farm community.

Second is the high cost of fuel which has affected most Americans. The fact is that most Americans are upset by the very high cost of fuel we are paying. Farmers and ranchers consume a tremendous amount of gas and diesel as they operate these machines all across the farms in America. Today, farmers are paying twice as much as they were 2 years ago for the cost of fuel. Yet, during that same timeframe, the cost of the produce we have from these farms and ranches does not increase very much.

We are facing a disaster emergency which is very much going to affect all of rural America.

I hope all of my colleagues in the Senate will join us in passage of the emergency agricultural disaster assistance package. I am also hopeful that we can sound a loud drumbeat that will be heard all the way to the White House, all the way to President Bush because he needs to send a signal that he is going to stand up for rural America and that he is going to support us as we try to bring emergency assistance to the farmers and ranchers of America.

The last time we passed a similar bill in the Senate, it was killed in the House, frankly, because it did not have the support of the White House. Rural voters who gave support to President Bush ought to be knocking on the door of the White House and making sure the President understands that rural America is important and that this disaster emergency package is very important as well.

AMENDMENT NO. 4936

Mr. President, I wish to spend the remainder of my time speaking on behalf of and in support of the Real Security Act which was offered by Senator REID. The fact is, this legislation is a very important piece of legislation as we look forward to creating the safest America we possibly can.

The fact is that 5 years after 9/11, we are not yet safe in America. We know our ports are not secure. We know law enforcement does not have the training they should have. I would imagine most Americans frankly today are feeling that we are not living in a secure world as we were 8 or 9 or 10 years ago and that our world has continued to become increasingly dangerous.

The components of the legislation that was set forth by Senator REID are simple steps to move us in the right direction in creating greater security for the people of America here in our homeland. Very simply, the legislation first and foremost implements the recommendations of the 9/11 Commission. The 9/11 Commission has been heralded as perhaps the most successful commission in the last 50 years in America. It handled a very important question of how can we make America safe. It came up with a series of recommendations. Many of those recommendations today, some 4 years later, have not yet been implemented.

The first point that has been made with the Real Security Act is we will implement the recommendations of the 9/11 Commission.

Second, the amendment also equips our intelligence community to fight against terrorists. For the first time in 18 years, this Republican-controlled Congress has failed to pass the Intelligence authorization bill that would give the CIA the resources to conduct aggressive and effective intelligence gathering. Senator ROCKEFELLER has eloquently spoken to this issue. It is an abysmal neglect of duty on the part of the United States of America and its Government if we don't reauthorize the intelligence act as has been done in the past 28 years.

Third, the amendment as proposed by Senator REID will make sure we are investing additional money to secure our ports, our rails, our roads, our airports, our chemical and nuclear plants, and mass transit systems. We only need to look at what has happened in the United Kingdom and in Spain and

other places to know that our rails, our mass transit systems, and our ports are, in fact, not at all secure today.

Fourth, we would refocus America on the war on terror by making sure we continue to pursue Osama bin Laden and bring him to justice.

Fifth, the amendment would provide better updated tools so we can bring these terrorists to justice. Five years after 9/11, there are still hundreds of terrorists who need to be prosecuted and brought to justice. We can't afford to wait any longer.

Finally, the amendment would, in fact, bring about a new understanding of how we ought to move forward with the war in Iraq.

I believe strongly that the Real Security Act which has been proposed by Senator REID should be supported by our colleagues.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield 8 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank the Senator for yielding time to me.

Mr. BIDEN. Mr. President, last Thursday I introduced a bipartisan resolution urging the President to take immediate action to avert a looming tragedy in Darfur, Sudan. I urge the Senate to pass it today. The Government of Sudan has launched an all but military offensive in Darfur that could result in hundreds of thousands of deaths. The United States must lead the international community to save those lives. It is urgent that we act.

Over the past 2 years the situation in Sudan has remained dire. As many as 400,000 people have died. Two million people have been displaced from their homes, over 200,000 are refugees in Chad, and 3 million rely on international aid. Those numbers haven't diminished over time, they have gotten worse. And now, they may be on the brink of becoming even more catastrophic.

In May of this year, the Government of Sudan and rebels in Darfur—specifically the Minni Minawi faction of the Sudan Liberation Army—signed a peace agreement. Tragically, instead of improving the security situation, the Darfur Peace Agreement has made things worse.

The agreement never had the support of the entire SLA, or the other major rebel movement in Darfur, the Justice and Equality Movement. Nor did it have the support of people living in displaced persons camps in Darfur. In the days and weeks after news of the agreement spread, violence in camps increased either because people misunderstood what was in the agreement, or they felt the agreement was flawed. And violence on the ground became worse, as the rebel factions split and fighting erupted between those who had signed the Darfur Peace Agreement and those who had not.

Tens of thousands of people have been displaced in fighting since May—50,000 in the last 2 months alone. Many of them have taken refuge in camps for the internally displaced. Attacks on humanitarian aid convoys have increased by a factor of more than 10 compared to this time last year. Twelve humanitarian workers have been killed in the past 4 months—more than during the entire previous year. Two hundred internally displaced women have been raped and another 200 violently assaulted over the course of the past 5 weeks.

The United Nations, after months of delay, finally extended the mandate of the U.N. Mission in Sudan—UNMIS—to Darfur at the end of August. And, through U.N. Security Council Resolution 1706, it authorized the deployment of over 17,000 peacekeepers and 3,000 civilian police to Darfur.

However, the Government of Sudan has categorically rejected the deployment of the U.N. force. In fact, the Sudanese Government has launched a military offensive in the region. Khartoum has sent over 10,000 troops to Darfur and has resumed aerial bombardments. Seven villages—villages, not military targets—were bombed just this weekend. African Union officials have stated that they will not extend the mission in Sudan past the end of this month. I understand that the African Union Peace and Security Council will meet in New York on September 18, just before the U.N. General Assembly meeting takes place. But it is unclear if the AU will reverse its decision to terminate its mission in Sudan. If it does terminate it, ''Katey, bar the door,'' all the carnage going on now will be increased multifold.

Even if the impediments I just mentioned did not exist, it would be months—we are talking January—before a U.N. mission could fully deploy, so we need the AU to stay in place a while longer.

In the mean time, Khartoum is doing its level best to be sure that no U.N. force comes to Darfur. The Government of Sudan's tactic seems to be to scorch enough earth—and people—such that there will be no need for the peacekeeping force because there will be no one left to protect and no peace to keep.

At this point in time, right here today, we are at a pivotal moment. Hundreds of thousands of Sudanese are in camps, vulnerable to aerial and ground attacks from government forces. We cannot stand by and do nothing.

This resolution is very straightforward. It calls on the President to undertake three key actions, some of which the Senate has asked him to do before:

First, it once again calls on him to pursue the imposition of a no-fly zone through the U.N. NATO or NATO allies. The Senate asked the President to propose that NATO consider how to implement and enforce such a no-fly zone in March of this year. If anything the need to enforce a no-fly zone has increased.

Second, it asks that the President secure the necessary support from United Nations member states to schedule a special session on Sudan in the United Nations Human Rights Council. The international community must speak out on the atrocities which continue to unfold in Sudan—and it must act.

Third, it asks the President to appoint a Special Envoy to Sudan to head the office that Senator DEWINE and I established at the State Department through the supplemental appropriations bill signed into law in June. The administration has avoided naming a Special Envoy to Sudan for years, and our diplomatic efforts have suffered as a result.

I am under no illusion that these actions alone will stop the Sudanese Government's murderous actions in Darfur. The international community must put a credible international force on the ground as soon as possible. NATO should be prepared to help the AMIS hand-off to the United Nations. The U.S. should impose targeted financial, travel, and diplomatic sanctions against the Sudanese leadership, rebel forces, and others determined to be responsible for the atrocities and pursue the immediate imposition of similar sanctions by the U.N. Security Council and the European Union as called for by U.N. Security Council Resolutions 1556 and 1564. It is long past time for the Security Council to take such action. If the Council cannot act because of threats of a Russian or Chinese veto, then the United States and Europe should do so together.

I visited the camps across the border in Chad. It is an absolute tragedy. There are tens of thousands of people in that one camp alone, with no real protection. When the appropriate time comes I will introduce this resolution. I hope it meets the approval of my colleagues. I hope the President will listen.

I thank the managers of the bill for yielding me this time.

I yield the floor.

Ms. COLLINS. Mr. President, I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Ohio is recognized.

AMENDMENT NO. 4962

(Purpose: To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area)

Mr. VOINOVICH. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 4962.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio, [Mr. VOINOVICH] proposes an amendment numbered 4962.

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

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

(The amendment is printed in the RECORD of Tuesday, September 12, 2006, under ''Text of Amendments.'')

Mr. VOINOVICH. Mr. President, I rise today to offer the Disaster Area Health and Environmental Monitoring Act, an amendment to the port security bill.

This legislation is vital because it provides for the monitoring of the health and safety of individuals exposed to harmful substances as a result of a presidentially declared disaster. The Senate passed this bill by unanimous consent in the 108th Congress, but jurisdictional disagreements between committees in the House caused it not to be passed in the House.

This issue first came to my attention during a series of Environment and Public Works Committee hearings in 2002 when we learned of the severe health problems facing thousands of workers and volunteers who heroically responded to the September 11, 2001, attacks on the World Trade Center. Perhaps some of my colleagues saw the ''60 Minutes'' segment this last Sunday that examined the problem in depth.

I will never forget Joe Allbaugh, 3 months after September 11, before the committee. I asked him: What have you found out about what folks were exposed to, those who were first responders?

And he said: I can't get the information.

This bill would give the President the right to immediately go in and do the investigation to determine what these folks were exposed to.

One of the things that we also did was discover that these first responders did not have the opportunity to have a screening. We were able to get $14 million set aside to do screening of first responders.

In the case of Ohio—we had one of the first responding units there—we found a variety of health problems, including respiratory illness, pneumonia, asthma, and many faced the possibility of long-term health issues.

I am deeply saddened to note the recent passing of New York City Police Detective James Zadroga, a rescue worker at the World Trade Center, whose tragic death was directly caused by his exposure to toxic fumes and dust at Ground Zero.

Currently, the Federal Emergency Management Agency does not hold the authority to conduct the necessary long-term monitoring of health impacts following environmental exposures in the wake of a disaster.

In 2003, Federal funding helped establish the World Trade Center Worker and Volunteer Medical Screening Program at Mount Sinai Hospital and the University of Cincinnati. I have already referred to that. At least way afterwards we started doing the screening to let the folks know what they were subjected to. According to the findings, almost 70 percent of the World Trade Center responders had a substantially worse respiratory system following their work at the World Trade Center. Among the responders who were asymptomatic before September 11, 61 percent developed respiratory symptoms while working at the World Trade Center.

In addition to that assistance at Ground Zero, OTF responded to the needs of communities around the country faced with the aftermath of natural disasters. OTF sent responders to Florida following Hurricane Dennis in July of 2005 and to Louisiana and Mississippi following Hurricane Katrina in August of 2005.

In the aftermath of Hurricane Katrina, the need for public health monitoring became clear. The CDC and EPA have identified 13 environmental health issues confronting first responders, including drinking water, wastewater, solid waste, debris and soil contamination from toxic chemicals. It is vital this legislation is enacted to address any health care needs that arise for the thousands of first responders who are active on the gulf coast. S. 1741 authorizes the President, if he determines that substances of concern have been released in a federally declared disaster area, to activate a program in a Federal partnership with appropriate medical institutions for the protection, assessment, monitoring, and study of the health and safety of individuals.

The act also would direct Federal agencies to enter into a contract with the National Academies of Sciences to study and report on disaster area health protection and monitoring.

It is extremely important we take care of these individuals because, as I stated in past hearings, whether people volunteer to be first responders depends on how we treat the first responders at the World Trade Center, the gulf coast, and other disaster areas. If they are not going to be able to find out immediately what they have been exposed to, and the President has the authority to get in there and find out what it is, we will have more and more people reluctant to come to the help in other disasters in the country.

I therefore urge my colleagues to support this bipartisan bill which is cosponsored by 16 of our Senate colleagues. It is strongly supported by the first responder community.

I thank the Senator from Maine for this opportunity to share why it is important we get it passed.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself 10 minutes.

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

AMENDMENT NO. 4936

Mr. DORGAN. Mr. President, I rise to support the Reid amendment, the Real Security Act, offered as an amendment, and I rise to say a word about the amendment offered by Senator NELSON today which Senator CONRAD and I and many others have worked on and support, dealing with farm disaster aid.

First, let me talk about this issue, the Real Security Act. I know there are some who say this is an omnibus piece of legislation offered as an amendment; it is moving too quickly. I don't think the U.S. Congress has ever been accused of speeding. I don't think we ever ought to be worried about moving too quickly. My concern with respect to security in this country is that we move too slowly.

The issue of one, two, or three areas in which we deal with the security of this country—we do it here, there, elsewhere—over a month or two, a year or two, or 5 years, there is a lot to be done, and it needs to be done in an omnibus way, in a way that is organized.

That is what my colleague, Senator REID, has offered, the Real Security Act, which we have worked on in its various pieces for a long time.

Let me describe why we need something like this and why this is a good place to begin discussing it. The fact is, it is 5 years after September 11. We just had the commemorative anniversary of that terrorist attack against our country in which thousands of Americans were murdered. We still have a circumstance where in many areas first responders cannot speak to each other. Firefighters, police officers, and so on are not able to communicate with each other. In the event of a future terrorist attack my hope is we have compatible communications.

My colleague offers an amendment that deals with a whole range of issues, including emergency preparedness, response, communications, border security, increasing the number of special forces, safeguarding nuclear materials, and increasing the Cooperative Threat Reduction Program. He describes in this amendment a new approach with respect to rail security and mass transit security, as well as aviation security.

As an aside, I point out that we have a situation with respect to aviation security that I know is very difficult for this country, for the traveling public, and for the airlines. There is no question we understand what the terrorists did. The terrorists used some box cutters and an airplane loaded with fuel to run into buildings. Both the World Trade Center attacks and the Pentagon were low-tech attacks. My understanding was that attack on September 11 cost around $500,000, with 19 people, some box cutters and some hijacked airplanes.

We have a lot to do with respect to trying to understand where the next attack might come from and how to foil that attack. I commend all of those who have been working in these areas who have been successful in uncovering conspiracies and uncovering potential attack plans against our country and

foiling those plans. They deserve our undying thanks. We need to say to them: Stay on the job. Continue to do that excellent work.

We also need to give them the tools. The Reid amendment offers those tools in a wide range of areas—the tools that will equip our first responders, the tools that will equip our intelligence community, the tools that will equip our soldiers. For example, there is a provision in the Reid amendment that talks about the funding necessary for new language capabilities in the Middle East and Asian languages in our intelligence communities. Yes, we are doing some of that, but we are not doing as much as we could.

This amendment is an omnibus amendment that, in my judgment, moves in the right direction. As I said before, I know those who say it does too much, the danger is not that we are doing too much in Congress, the danger is we will do too little. With respect to this issue of real security, this Congress, this Senate, would be well advised to accept this amendment.

I read in the paper this morning a congressional colleague on the other side of the aisle in the other body said:

> I wonder if Democrats are more interested in protecting terrorists than in protecting the American people?

That is a pathetic political statement not worthy of much response, except to say this: All Members in this Chamber care about this country. All in this Chamber are Americans who want to protect this great country of ours. There is a barrel full of politics around this; I understand that. When you read what I read in the paper this morning by someone from the other body, it is pretty pathetic.

What we ought to do, it seems to me, is not worry about trying to move too fast. Let's worry we are not moving fast enough. Let's embrace this Reid amendment and have a debate on it and add this to the port security bill and we will have done this country a significant amount of good work in protecting America's future.

AMENDMENT NO. 4945

I take a couple of minutes to say I strongly support the agricultural disaster piece offered as an amendment by Senator NELSON. I have twice offered an agricultural disaster piece that has gone through the full Senate. We have gone to conference two times. In both circumstances, once last December and once this spring, we lost it because the President threatened to veto it and the House conferees would not accept it as a result of that Presidential veto threat.

I will just show three charts very briefly. This is a soybean field that is supposed to be about a foot high at this point. There is almost nothing growing. This is a man from my State. He is walking in a creek bed. The creek is dry. We have suffered a devastating drought. When farmers lose everything, when they have no crop, when their pasture is gone and it looks like a moonscape, when they have to send their cows to market because there is nothing for a cow to eat, that is a disaster.

This country goes all over the world: You have trouble, let us help; we want to help you. Good for us. That is a good value system. How about doing that at home? When farmers and ranchers lose everything, how about us saying: We want to help you. We want to extend a helping hand.

We have not done that yet because the President has threatened a veto. I hope the President will work with us rather than against us and decide it worthy to help Americans who are in trouble.

So my colleague, Senator NELSON, has offered an amendment on this bill. My colleague, Senator CONRAD, and I, and many others have worked in a bipartisan way. This is not a partisan issue in the Senate. We passed it twice on a bipartisan basis. I hope we will add this amendment to this underlying bill as well. I hope in between now and when it gets to the White House the President will understand the urgency of this situation.

Times change. Things change. The fact is, these folks need help. We have a responsibility to do it.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I yield 2 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 4975

(Purpose: To establish a Homeland Security and Neighborhood Safety Trust Fund and refocus Federal priorities toward securing the Homeland, and for other purposes)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 4975.

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

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

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

Mr. BIDEN. Mr. President, since I only have 2 minutes—and I am not going to ask for a vote on it now—my amendment talks about the dirty little word no one wants to talk about: How are we going to pay for all this? The fact is, we are arguing over peanuts. The fact is, we should set up a trust fund as we did with the violent crime trust fund. We should fund everything everyone knows we need to fund here, all those elements the 9/11 Commission called for, plus reinstating local law enforcement.

The whole cost of that would be less than 1 year—1 year—of the tax cut for people making over $1 million. My amendment sets up a trust fund, has $53 billion put into that trust fund, displaced over 5 years—$10 billion a year—to pay for all we are doing here.

Rich folks are just as patriotic as poor folks. It instructs the Finance Committees to go out and find the means by which they would deal with that, take it 1 year or take a piece of it over 5 years.

The bottom line is, this is crazy. We are talking about all that we do not have. We are passing amendments like the Biden-McCain amendment or the McCain-Biden amendment on rail. We know it is never going to be funded. We know the cost is about $50 billion to fund what we all need. Yet, at the same time, we are spending three times as much on a tax cut as we are spending on how we are going to do it.

This is only for people making over $1 million. Again, I floated this with millionaires. I have been with groups who are millionaires. I have asked them: Would you object to giving up 1 year of your tax cut?

The response is: No, if you guarantee me it is going to go to provide for security.

This amendment would guarantee that, set up a trust fund. For those who are skeptical about trust funds, let me remind you, we did it with the violent crime trust fund. It worked, and it reduced crime. We should step to the plate and say how we are going to pay for it.

Everyone in this body knows that we are not yet safe enough. Independent experts, law enforcement personnel, and first responders have warned us that we have not done enough to prevent an attack and we are ill-equipped to respond to one.

Hurricane Katrina, which happened just over a year ago, demonstrated this unfortunate truth and showed us the devastating consequences of our failure to act responsibly here in Washington.

And, last December, the 9/11 Commission issued their report card on the administration's and Congress's progress in implementing their recommendations. The result was a report card riddled with D's and F's. And, to add to this, the FBI reported earlier this summer that violent crime and murders are on the rise for the first time in a decade.

Given all of this, it is hard to argue that we are as safe as we should be. To turn this around, we have to get serious about our security.

If we establish the right priorities, we can do the job. We can fund local law enforcement, which the President has attempted to slash by over $2 billion. We can give the FBI an additional 1,000 agents to allow them to implement reforms without abandoning local crime. We can secure the soft targets in our critical infrastructure, to ensure that our chemical plants and electricity grids are protected from attacks. We can immediately re-allocate

spectrum from the television networks and give it to our first responders so they can talk during an emergency.

I know what many of my colleagues here will argue. They will argue that it is simply too expensive to do everything. That is malarkey. This is all about priorities. And, quite frankly, this Congress and this administration has had the wrong priorities over the past 5 years.

For example, this year the tax cut for Americans who make over $1 million is nearly $60 billion. Let me repeat that, just 1 year of the Bush tax cut for Americans making over $1 million is nearly $60 billion.

In contrast, we dedicate roughly one-half of that—approximately $32 billion—for the entire operations of the Department of Homeland Security.

We have invested twice as much for a tax cut for millionaires—less than 1 percent of the population—than we do for the Department intended to help secure the entire Nation.

For a nation that is repeatedly warned about the grave threats we face, how can this be the right priority?

The amendment that I am offering would change this by taking less than 1 year of the tax cut for millionaires—$53.3 billion—and invest it in homeland security over the next 5 years.

By investing this over the next 5 years at just over $10 billion per year, we could implement the 9/11 Commission recommendations and do those commonsense things that we know will make us safer.

For example, under this amendment, we could hire 50,000 additional police officers and help local agencies create locally based counterterrorism units.

We could hire an additional 1,000 FBI agents to help ensure that the FBI is able to implement critical reforms without abandoning its traditional crime-fighting functions.

We could also invest in security upgrades within our critical infrastructure and nearly double the funding for State homeland security grants.

And, the list goes on.

The bill that we are debating today is a good bill, and I am sure it will pass, but does anyone really believe that the $400 million in port security grants authorized in it will really be funded? A look back at our recent appropriations bills tells us that this is not likely.

Just this July we passed the Department of Homeland Security appropriations budget. In that legislation, the Senate allocated only $210 million for port security grants—just over one-half of what we are advocating be authorized in this bill.

Another example of this problem is our shameful record on providing funding for rail security. For the last two Congresses. the Senate has passed bipartisan rail security legislation sponsored by myself and Senator MCCAIN, and others.

This legislation authorizes $1.2 billion to secure the soft targets in our rail system, such as the tunnels and stations. In fact, this legislation was added as an amendment to this bill 2 days ago. I thank my colleagues for including it, but we all understand that there is no chance of fully funding it unless we change our priorities.

Indeed, this body has voted against funding rail security when I have offered it as an amendment to the Department of Homeland Security appropriations bill the past 2 years. During that time, only $150 million per year has been allocated for rail and transit security with less than $15 million allocated for Amtrak security.

So while I thank my colleagues for recognizing the need for increased rail security by adopting the McCain-Biden amendment, it is clear that it won't mean much. Unfortunately, this is an example that is repeated over and over.

We know that the murder rate is up and that there is an officer shortage in communities throughout the Nation. Yet, we provide zero funding for the COPS hiring program and we have slashed funding for the Justice Assistance Grant.

We know that our first responders can't talk because they don't have enough interoperable equipment. Yet, we have not forced the networks to turn over critical spectrum, and we vote down funding to help local agencies purchase equipment every year.

We know that only 5 percent of cargo containers are screened, yet we do not invest in the personnel and equipment to upgrade our systems.

We know that our critical infrastructure is vulnerable. Yet, we allow industry to decide what is best and provide scant resources to harden soft targets.

The 9/11 Commission's Report Card issued last December stated bluntly that ''it is time we stop talking about setting priorities and actually set some.''

With this amendment, we set some priorities.

I won't go through the entire amendment on the floor, but I would like to touch on the highlights.

First, we provide the funding necessary to implement the recommendations of the 9/11 Commission.

Next, we take the commonsense steps to make our Nation safer.

We make sure that law enforcement and first responders have the personnel, equipment, training, and are sufficiently coordinated to do the job.

With this trust fund we could provide: $1.15 billion per year for COPS grants; $160 million per year to hire 1,000 FBI agents; $200 million to hire and equip 1,000 rail police; $900 million for the Justice Assistance Grants; $1 billion per year for interoperable communications; and $1 billion for Fire Act and SAFER grants.

We could invest in screening technologies: $100 million to improve airline screening checkpoints; $100 million for research and development on improving screening technologies.

We set aside funding for our critical infrastructure: $500 million per year for general infrastructure grants; $500 million per year for port security grants; $200 million per year to harden our rail infrastructure.

And, the list goes on.

Mr. President, I will conclude where I started. This is all about setting the right priorities for America. Instead of giving a tax cut to the richest Americans who don't need it we should take some of it and dedicate it towards the security of all Americans.

Our Nation's most fortunate are just as patriotic as the middle class. They are just as willing to sacrifice for the good of our Nation. The problem is that no one has asked them to sacrifice.

If we adopt this amendment, we will be asking them to sacrifice for the good of the Nation, and I am convinced that they would gladly help us out. We have done this before with the Violent Crime Trust Fund.

This amendment is about reordering our homeland security priorities, and I urge my colleagues to support it.

Mr. President, I thank my colleague, the Senator from Washington, for yielding me the time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

AMENDMENT NO. 4936

Mr. STEVENS. Mr. President, I want to be as constrained as possible on this concept, but I do want to talk about this amendment of Senator REID's. It is a 500-plus-page amendment to be added to our port security bill, and most of the provisions are totally unrelated to port security. It covers Iraq policy; intelligence reform; all of the 9/11 Commission reforms; troop redeployment concepts; Iraqi contractor provisions; a section regarding detainees, such as those people at Guantanamo Bay; immigration and border security; and a whole section on transportation.

Now, I do not know if the Senate realizes, but the port security bill that our committee, the Commerce Committee, reported was originally Senator INOUYE's bill. As a matter of fact, we took it and reviewed it and made some minor modifications to it, and Senator INOUYE suggested that my name go first since I was chairman. We are cochairmen of the committee. As a matter of fact, it was the Inouye, Stevens, Collins, Lieberman, Grassley, Baucus, Coleman, Murray amendment that we were talking about when we finally got to the floor and put everything together.

We worked on trying to make this bill before the Senate a bipartisan bill, and what does my good friend—he is my good friend—the Democratic leader, do? He brings us a bill, 500 pages, totally partisan. There is no bipartisanship in that bill at all. In each instance, it is the minority's position on these very controversial subjects.

We have worked 18 months to come to the floor with bills from three committees—a bipartisan approach—and

we are at the last minute supposed to vote on an amendment with 500-plus pages on a whole series of things.

I remember people used to say: It's everything but the kitchen sink. Do you know what I mean? There is so much in this bill that is totally partisan—it is awesome—when we are working to try to finish up this year and trying to reach out and be bipartisan. Above all bills, this bill we brought to the floor was bipartisan—three separate committees on a bipartisan basis. And from all three committees, the ranking members and the chairmen signed that bill.

Now, I cannot think of anything that has been done to destroy the bipartisanship we seek to have to deal with issues such as security other than this bill. Why should we be forced to have a cloture vote or raise a point of order against a bill like that? It should not have been brought to the floor.

Now, it is time we settled down and started thinking about: How can we get our work done? There are going to be elections soon, and it is a tough period for everybody. One-third of the Senate is up for election. I know that. We all know that. And we try to understand, on a bipartisan basis, we should do some things and not be offensive to people who are up for election.

I hope I am not being offensive to my friend from Nevada. But I am telling him he should not, as a leader, do this. And it is time we thought about how we can settle problems like the security at our ports. The bill we brought to the floor could have been passed with one or two amendments in a few hours. As a matter of fact, we thought that was going to happen. We really did. Because of the cooperation that was there from each committee and the work we did literally through our staffs and through the members of consolidating the work of three different committees on a bipartisan basis, we thought we had this subject covered. But the amendments that are being brought to us now have nothing to do with port security.

We thought we would emphasize port security. At the suggestion of the Senator from Arizona, Mr. MCCAIN, we put rail security in. It, too, is so interlocked with port security, it was justifiable. And, again, that portion of the bill was bipartisan. No question about it. That was part of the work of our committee on railroad and rail security.

But I say to the Senate, time is now a commodity before the election. There is very little of it left. I would hope we don't have any more of these amendments. And if we do, I think we ought to face the question of just immediately tabling them. Let's stay directed toward what our work demands of us; and that is, to take the action that is necessary to assure security in the different modes of transportation that our people must use. I hope we will have no more of these amendments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, what is the time situation between the two parties?

The PRESIDING OFFICER. The majority has 28 minutes 41 seconds. The minority has 21 minutes 23 seconds.

Mr. STEVENS. Then, Mr. President, I ask unanimous consent that the time in the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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, let me just add to the comments made by the distinguished chairman of the Commerce Committee about the amendment offered by the Democratic leader. I mentioned earlier that this amendment is 507 pages. This, in my hand, is the port security bill. Now, this, in my hand, is the Reid amendment. I can barely lift it. It requires no fewer than 95 reports, certifications, and determinations. It has 37 pages of findings. It has 16 sense-of-the-Congress resolutions. It requires 36 GAO reports and audits.

But what is not in there? There is virtually nothing in there that relates to port or maritime security. In fact, we have now done a search of the entire amendment. We found one—one—reference to port security and one reference to maritime and cargo security in the entire Reid amendment.

I think that makes the point. I think that says it all. This amendment is irrelevant to the underlying bill.

As I mentioned earlier, it includes provisions that the Senate has already decisively rejected on what our policy should be in Iraq and what the funding formula should be for the homeland security grant program. It is not as if those provisions were rejected years ago; they were rejected just a few months ago. So it makes no sense for this amendment to include formula changes and a change in our policy in Iraq that this body, by more than 60 votes in each case, decisively rejected.

In fact, when it comes to the funding formula for homeland security grants, the majority of the Democratic Caucus rejects the formula change that is included in the Reid amendment. As I mentioned, over 100 pages of the Reid amendment deal with foreign policy recommendations, public diplomacy recommendations of the 9/11 Commission that are already law. They are virtually identical to a title of the Intelligence Reform Act of 2004, which is already law. Other provisions in the Reid amendment we have passed during the debate on the port security bill—the proposals of Senator MCCAIN and Senators SHELBY and SARBANES on rail and mass transit security. We already adopted those. Those are redundant at best.

What it comes down to is, unfortunately, this is simply a partisan amendment. That is so unfortunate because the work on this port security bill has never been partisan—never. There have been leaders such as Senator MURRAY and Senator LIEBERMAN on the Democratic side. There have been leaders on the Republican side. The Permanent Subcommittee on Investigations of the Homeland Security Committee did investigations of the port security programs that were completely bipartisan, headed by Senators NORMAN COLEMAN and CARL LEVIN. The committee consideration both in the Homeland Security Committee and the Commerce Committee was completely bipartisan. This has been a bipartisan effort in the House of Representatives, as well, where the bill was sponsored by Representatives DAN LUNGREN and JANE HARMON. It has been bipartisan since the conception to where we are today.

It is so unfortunate to have a blatantly partisan amendment, 507 pages, that swamps the bill and has nothing to do with the bill offered by the Democratic leader. So I hope our colleagues will take a look at what is really in the Reid amendment. I fear we may well have a partisan vote. I hope we do not. I think if my friends and colleagues on the other side of the aisle actually look at what is in the Reid amendment, I would be surprised if they vote for it because they voted against large chunks of it in the past.

So I hope once we have disposed of the Democratic leader's amendment, we can return to the constructive, bipartisan approach that we have taken on this bill. This is an important bill. It is a bill that matters to the security of our country. It is a bill that is too important to be bogged down in partisan politics. It has never been bogged down in partisan politics. It has been bipartisan every step of the way. Let's conclude consideration of this bill in a bipartisan way, in a way that reflects well on this Senate, and send this important bill to the President for his signature.

I yield the floor, and I reserve the remainder of the time.

Mrs. MURRAY. Mr. President, I yield 9 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank the Senator from Washington for her good work. I thank Senator COLLINS for her work on port security. I am proud to say that in the Commerce Committee, in a bipartisan way, we have worked over and over again to make this country safer. I was part of that

under the leadership of Senator MCCAIN at the time, and first Senator HOLLINGS and now Senator STEVENS.

I want to show you a little bit of history about what has happened in the Republican Congress every time we have voted out one of these good bills because you can say what you want about partisan politics, but the fact is, almost every single time we reported one of these bills out of our committee, it simply died and went nowhere. I want to talk about that history because, of course, Senator COLLINS is right that protecting Americans is our job. It has nothing to do with being a Democrat or a Republican.

Here is what happened. In the 107th Congress, we passed the Ship, Seafarer, and Container Security Act; no action by the full Senate. In the 108th Congress, we passed the Maritime Transportation Security Act of 2004. It passed the Senate on September 21, 2004, and was not even considered in the House of Representatives. In the 109th Congress, we passed the Transportation Security Improvement Act of 2005. Commerce passed it on November 17, 2005; no action by the full Senate.

There you have it. Do you wonder why the 9/11 Commission has given this Congress and this administration failing grades? You can talk about bipartisanship. We reported these bills out of the committee on a bipartisan basis, but the leadership never bothered. So when I heard that the last days of this session were going to be about homeland defense, I said thank God for that, thank goodness for that. Whether it is an election driving it or anything else, I could not care less. Let's get it done. This Congress and this administration have received failing grades from the 9/11 Commission.

I ask unanimous consent to have this document printed in the RECORD, which is a final report on 9/11 Commission recommendations.

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

FINAL REPORT ON 9/11 COMMISSION RECOMMENDATIONS, DECEMBER 5, 2005

PART I: HOMELAND SECURITY, EMERGENCY PREPAREDNESS AND RESPONSE

Recommendation—Grade

EMERGENCY PREPAREDNESS AND RESPONSE

Provide adequate radio spectrum for first responders—F (C if bill passes)

The pending Fiscal Year 2006 budget reconciliation bill would compel the return of the analog TV broadcast (700 Mhz) spectrum, and reserve some for public safety purposes. Both the House and Senate bills contain a 2009 handover date—too distant given the urgency of the threat. A 2007 hand over date would make the American people safer sooner.

Establish a unified Incident Command System—C

Although there is awareness of and some training in the ICS, hurricane Katrina demonstrated the absence of full compliance during a multi-jurisdictional/statewide catastrophe—and its resulting costs.

Allocate homeland security funds based on risk—F (A if House provision passes)

Congress has still not changed the underlying statutory authority for homeland security grants, or benchmarks to insure that funds are used wisely. As a result, homeland security funds continue to be distributed without regard for risk, vulnerability, or the consequences of an attack, diluting the national security benefits of this important program.

Critical infrastructure risks and vulnerabilities assessment—D

A draft National Infrastructure Protection Plan (November 2005) spells out a methodology and process for critical infrastructure assessments. No risk and vulnerability assessments actually made; no national priorities established; no recommendations made on allocation of scarce resources. All key decisions are at least a year away, It is time that we stop talking about setting priorities, and actually set some.

Private sector preparedness—C

National preparedness standards are only beginning to find their way into private sector business practices. Private sector preparedness needs to be a higher priority for DHS and for American businesses.

TRANSPORTATION SECURITY

National Strategy for Transportation Security—C–

DHS has transmitted its National Strategy for Transportation Security to the Congress. While the strategy reportedly outlines broad objectives, this first version lacks the necessary detail to make it an effective management tool.

Improve airline passenger pre-screening—F

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

Improve airline screening checkpoints to detect explosives—C

While more advanced screening technology is being developed, Congress needs to provide the funding for, and TSA needs to move as expeditiously as possible with, the appropriate installation of explosives detection trace portals at more of the Nation's commercial airports.

Checked bag and cargo screening—D

Improvements here have not been made a priority by the Congress or the administration. Progress on implementation of in-line screening has been slow. The main impediment is inadequate funding.

BORDER SECURITY

Better terrorist travel strategy—Incomplete

The first Terrorist Travel Strategy is in development, due to be delivered by December 17, 2005 as required by PL 108–458.

Comprehensive screening system—C

We still do not have a comprehensive screening system. Although agencies are moving ahead on individual screening projects, there is lack of progress on coordination between agencies. DHS' new Screening Coordination OffIce still needs to establish and implement goals for resolving differences in biometric and traveler systems, credentialing and identification standards.

Biometric entry-exit screening system—B

The US–VISIT system is running at 115 airports and 15 seaports, and is performing secondary screening at the 50 busiest land borders. But border screening systems are not yet employed at all land borders, nor are these systems interoperable. The exit component of the US–VISIT system has not been widely deployed.

International collaboration on borders and document security—D

There has been some good collaboration between US–VISIT and Interpol, but little progress elsewhere. There has been no systematic diplomatic effort to share terrorist watchlists, nor has Congress taken a leadership role in passport security.

Standardize secure identifications—B–

The REAL ID Act has established by statute standards for state-issued IDs acceptable for federal purposes, though states' compliance needs to be closely monitored. New standards for issuing birth certificates (required by law by December 17, 2005) are delayed until at least spring 2006, probably longer. Without movement on the birth certificate issue, state-issued IDs are still not secure.

PART II: REFORMING THE INSTITUTIONS OF GOVERNMENT

Recommendation—Grade

THE INTELLIGENCE COMMUNITY

Director of National Intelligence—B

The framework for the DNI and his authorities are in place. Now his challenge is to exercise his authorities boldly to smash stovepipes, drive reform, and create a unity of effort—and act soon. He must avoid layering of the bureaucracy andJ focus on transformation of the Intelligence Community. The success of this office will require decisive leadership from the DNI and the president, and active oversight by the Congress.

National Counterterrorism Center—B

Shared analysis and evaluation of threat information is in progress; joint operational planning is beginning. But the NCTC does not yet have sufftcient resources or personnel to fulfill its intelligence and planning role.

Create FBI national security workforce—C

Progress is being made—but it is too slow. The FBI's shift to a counterterrorism posture is far from institutionalized, and significant deficiencies remain. Reforms are at risk from inertia and complacency; they must be accelerated, or they will fail. Unless there is improvement in a reasonable period of time, Congress will have to look at alternatives.

New missions for CIA Director—Incomplete

Reforms are underway at the CIA, especially of human intelligence operations. But their outcome is yet to be seen. If the CIA is to remain an effective arm of national power, Congress and CIA leadership need to be committed to accelerating the pace of reforms, and must address morale and personnel issues.

Incentives for information sharing—D

Changes in incentives, in favor of information sharing, have been minimal. The office of the program manager for information sharing is still a start-up, and is not getting the support it needs from the highest levels of government. There remain many complaints about lack of information sharing between federal authorities and state and local level officials.

Government-wide information sharing—D

Designating individuals to be in charge of information sharing is not enough. They need resources, active presidential backing, policies and procedures in place that compel sharing, and systems of performance evaluation that appraise personnel on how they carry out information sharing.

Homeland airspace defense—B–

Situational awareness and sharing of information has improved. But it is not routine or comprehensive, no single agency currently leads the interagency response to airspace violations, and there is no overarching

plan to secure airspace outside the National Capital region.

CIVIL LIBERTIES AND EXECUTIVE POWER

Balance between security and civil liberties—B

The debate surrounding reauthorization of the PATRIOT Act has been strong, and concern for civil liberties has been at the heart of it. Robust and continuing oversight, both within the Executive and by the Congress, will be essential.

Privacy and Civil Liberties Oversight Board—D

We see little urgency in the creation of this Board. The President nominated a Chair and Vice Chair in June 2005, and sent their names to the Senate in late September. To date, the Senate has not confirmed them. Funding is insufficient, no meetings have been held, no staff named, no work plan outlined, no work begun, no office established.

Guidelines for government sharing of personal information—D

The Privacy and Civil Liberties Oversight Board has not yet begun its work. The DNI just named a Civil Liberties Protection Officer (November 2005).

CONGRESSIONAL AND ADMINISTRATIVE REFORM

Intelligence oversight reform—D

The House and Senate have taken limited positive steps, including the creation of oversight subcommittees. However, the ability of the intelligence committees to perform oversight of the intelligence agencies and account for their performance is still undermined by the power of the Defense Appropriations subcommittees and Armed Services committees.

Homeland Security committees—B

The House and Senate have taken positive steps, but Secretary Chertoff and his team still report to too many bosses. The House and Senate homeland security committees should have exclusive jurisdiction over all counterterrorism functions of the Department of Homeland Security.

Declassify overall intelligence budget—F

No action has been taken. The Congress cannot do robust intelligence oversight when funding for intelligence programs is buried within the defense budget. Declassifying the overall intelligence budget would allow for a separate annual intelligence appropriations bill, so that the Congress can judge better how intelligence funds are being spent.

Standardize security clearances—B

The President put the Office of Management and Budget (OMB) in charge of standardizing security clearances. OMB issued a plan to improve the personnel security clearance process in November 2005. The Deputy Director of OMB is committed to its success. All the hard work is ahead.

PART III: FOREIGN POLICY, PUBLIC DIPLOMACY, AND NONPROLIFERATION

Recommendation—Grade

NONPROLIFERATION

Maximum effort by U.S. government to secure WMD—D

Countering the greatest threat to America's security is still not the top national security priority of the President and the Congress.

FOREIGN POLICY

Long-term commitment to Afghanistan—B

Progress has been made, but attacks Taliban and other extremists continue and the drug situation has worsened. The U.S. and its partners must commit to a long-term economic plan in order to ensure the country's stability.

Support Pakistan against extremists—C+

U.S. assistance to Pakistan has not moved sufficiently beyond security assistance to include significant funding for education efforts. Musharraf has made efforts to take on the threat from extremism, but has not shut down extremist-linked madrassas or terrorist camps. Taliban forces still pass freely across the Pakistan-Afghanistan border and operate in Pakistani tribal areas.

Support reform in Saudi Arabia—D

Saudi authorities have taken initial steps but need to do much more to regulate charities and control the flow of funds to extremist groups, and to promote tolerance and moderation. A U.S.-Saudi strategic dialogue to address topics including reform and exchange programs has just started; there are no results to report.

Identify and prioritize terrorist sanctuaries—B

Strategies have been articulated to address and eliminate terrorist sanctuaries, but they do not include a useful metric to gauge progress. There is little sign of long-term efforts in place to reduce the conditions that allow the formation of terrorist sanctuaries.

Coalition strategy against Islamist terrorism—C

Components of a common strategy are evident on a bilateral basis, and multilateral policies exist in some areas. But no permanent contact group of leading governments has yet been established to coordinate a coalition counterterrorism strategy.

Coalition standards for terrorist detention—F

The U.S. has not engaged in a common coalition approach to developing standards for detention and prosecution of captured terrorists. Indeed, U.S. treatment of detainees has elicited broad criticism, and makes it harder to build the necessary alliances to cooperate effectively with partners in a global war on terror.

Economic policies—B+

There has been measurable progress in reaching agreements on economic reform in the Middle East, including a free trade agreement with Bahrain and the likely admission of Saudi Arabia to the WTO before long. However, it is too early to judge whether these agreements will lead to genuine economic reform.

Vigorous effort against terrorist financing—A–

The U.S. has won the support of key countries in tackling terrorism finance—though there is still much to do in the Gulf States and in South Asia. The government has made significant strides in using terrorism finance as an intelligence tool. However, the State Department and Treasury Department are engaged in unhelpful turf battles, and the overall effort lacks leadership.

PUBLIC DIPLOMACY

Define the U.S. message—C

Despite efforts to offer a vision for U.S. leadership in the world based on the expansion of democratic governance, public opinion approval ratings for the U.S. throughout the Middle East remain at or near historic lows. Public diplomacy initiatives need to communicate our values, way of life, and vision for the world without lecturing or condescension.

International broadcasting—B

Budgets for international broadcasting to the Arab and Muslim world and U.S.-sponsored broadcasting hours have increased dramatically, and audience shares are growing. But we need to move beyond audience size, expose listeners to new ideas and accurate information about the U.S. and its policies, and measure the impact and influence of these ideas.

Scholarship, exchange, and library programs—D

Funding for educational and cultural exchange programs has increased. But more American libraries (Pakistan, for example) are closing rather than opening. The number of young people coming to study in the U.S. from the Middle East continues to decline (down 2% this year, following declines of 9% and 10% in the previous two years).

Support secular education in Muslim countries—D

An International Youth Opportunity Fund has been authorized, but has received no funding; secular education programs have been initiated across the Arab world, but are not integrated into a broader counterterrorism strategy. The U.S. has no overarching strategy for educational assistance, and the current level of education reform funding is inadequate.

Mrs. BOXER. Mr. President, here are some of the things on which we received bad grades: We are not providing adequate radio spectrum for first responders. We are not establishing a unified incident command system. We are not allocating homeland security funds based on risk. We are not protecting the critical infrastructure. We don't have a private sector that is prepared. We don't have a national strategy for transportation security. We are not prescreening passengers like we should be. We don't have screening checkpoints detecting explosives. We are still not screening the cargo that goes into passenger planes, even though they are taking away our lip gloss. I don't care about giving up my lip gloss, believe me. I would give up my lip gloss and everything else, but how about protecting the cargo that goes underneath that passenger plane? How about making sure it is safe, making sure it won't explode?

I have an amendment that I will offer to this bill—unless the majority shuts me down—to say that until we are screening all of the cargo, let's make sure there is a blast-resistant container on these aircrafts. That is a recommendation of the 9/11 Commission that has not been followed. So when you have a suspect piece of cargo and you are not sure about it, put it into the blast-resistant cargo container. We pushed this in the Commerce Committee. TSA tested it and we know it works. But it is not happening.

I could go on, page after page of this document, where this Congress and this administration have failed. I say they have been soft on homeland defense. Why? I say two reasons: They cannot afford it because they are spending our money in Iraq instead of protecting us from the terrorists at home, instead of going after Osama bin Laden in Afghanistan. The President says over and over again that it is one

and the same. Do you know what? The bipartisan Senate Intelligence Committee was right out there and said Saddam Hussein—the tyrant though he is, and he deserves whatever fate awaits him—had not one thing to do with al-Qaida. As a matter of fact, he was threatened by them because he had a secular government. He was fearful of them, and rumors were that he wanted some of them assassinated.

The war in Iraq has strengthened Iran. It is a recruiting tool for Osama bin Laden. It is busting the budget. It is causing the debt to explode, not to mention the deaths of close to 3,000 of our service men and women, and 20,000 have been severely injured. The money going there is about $10 billion a month. We could protect every single American aircraft today from the threat of shoulder-fired missiles with the cost of Iraq in 1 month.

Then there is the other priority of this administration—tax breaks for billionaires. That is costing trillions. Look at every other President in the history of our country; they didn't do that in a time of war. So you have the war in Iraq, and the only strategy we have from this President is that we are going to be there ''as long as I am the President.'' Well, that is not a strategy; that is a recipe for more death, more destruction. That is clear.

There are many ways that we could begin reducing the cost over there—the cost to our troops. We can say to the Iraqi people that our people have fought and died for you; now take the reins of your own government and protect yourselves. If you cannot figure out how to protect neighbor from neighbor, you have a problem. Nobody did it for us. Everybody always says compare what happened in Iraq to the American Revolution. I don't get the comparison, but if we go with that for a minute, it is true that other countries helped us in that battle—France, for example—but at the end of the day, we had to take over the security on the ground and make our new country a success. So we cannot force democracy and force people to love each other at the point of a gun. It is their business.

We have spent our treasure and are spending our treasure to the point where we cannot afford a comprehensive bill. You heard Senator COLLINS say, ''I hope you will vote against this broad bill.'' Why? We have been condemned by the 9/11 Commission for not doing enough in a broad way. This bill just does port security. Thank goodness we have amendments to add rail and transit. It is moving toward the Reid bill. Let this go on because the more we debate and the more we offer amendments, the more this bill looks like the Democratic alternative. It has taken a big step in that direction.

We know what happened in Madrid. We saw what happened in London. We know our infrastructure is at risk. But 5 years after 9/11, we get failing grades. It is a sad moment.

I thank my colleague, Senator COLLINS, and I thank my colleague, Senator MURRAY, two fantastic women who fought hard to get a port security bill to the floor. But let's welcome this as an opportunity to protect our people, not just focus narrowly on one problem.

I hate to say it, we have an array of problems. We have 41 problems and 41 recommendations of the 9/11 Commission, the bipartisan Commission we have not listened to, and that is what the Reid bill does. It is very important.

I thank my colleagues for going as far as they have gone, but I hope we will go even further and change this truth that this Congress has been soft on homeland defense. We can change that, and I welcome the fact that we will be debating security from now until we get out of here because if ever there were a place we have neglected, it is homeland security.

I am very happy to be part of this debate. I look forward to supporting the Reid amendment and all the other amendments that will make our country safer. We can scare people. We can make speeches and frighten them. That is not our job. Our job is to protect them, not to scare them. We haven't done that, and we have an opportunity to do that between now and the time we get out of here and go home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

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

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. There is 6½ minutes remaining.

Mrs. MURRAY. Mr. President, I yield all our remaining time to Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 6½ minutes.

Mr. DURBIN. I thank the Chair. Mr. President, I thank my colleague from the State of Washington for her leadership on this bill relative to port security. It is a very important bill.

Of course, the Port of Chicago is concerned about these issues, as many are around the country. We understand this is basically an authorization bill and that before things will happen, money has to be appropriated. So an authorization is a promise; an appropriation is a reality. I hope we can follow through with the good promises that are included in this bill, many important good promises, with the reality of appropriating money for that particular effort. But what we have offered in addition to the port security bill is the Real Security Act which has been proposed by the Democratic side.

In just the few moments I have, I wish to outline what we do.

First, we are going to rely on the expertise of a bipartisan group that has gained great respect across the Nation, and that, of course, is the 9/11 Commission. The 9/11 Commission, with Governor Kean of New Jersey, a Republican, and Congressman Hamilton, a Democrat, came up with 41 recommendations to make America safer. They published those recommendations more than 2 years ago. It was a blueprint for making this a safer nation.

This Commission has stayed in business long enough to grade the administration and Congress on its response. The results of their last report card were alarming. Last December, they graded our Government's progress as follows: 5 F's, 12 D's, 9 C's, and one A-minus. That is it. For 41 recommendations, we ended up being told by this Commission that we are not paying attention.

The Real Security Act, which the Democrats propose, basically says as a starting point that we need to establish a comprehensive system to make certain the 9/11 recommendations are followed. That, to me, should be a bipartisan starting point. But the President's budget and the actions of Congress have not allowed us to reach that goal.

We also believe we cannot talk about a secure America without speaking about the obvious: 145,000 Americans are risking their lives in Iraq today as we stand in the safety of this Chamber; 2,671 of our bravest soldiers have died, 19,000 seriously injured; and a war that has cost us $325 billion with no end in sight. That is the reality.

We believe that if we learned the lessons of 9/11, we need to bring our troops home with their mission truly accomplished. That means a partial redeployment of troops this year so the Iraqis take responsibility for their own defense and their own future.

There is also an element in this bill that is near and dear to me, and it relates to the issue of transportation. We are just not doing enough. We know at the airports, when we have to take off our shoes, they go through our luggage, and we hand over our toothpaste, what is going on there. What is happening in other places? We are not doing enough when it comes to making Amtrak safer.

Three million Illinoisans ride Amtrak each year. Yet neither Amtrak's tracks nor its Midwest hub, Chicago's Union Station, is as secure as it should be. The Chicago Transit Agency alone has over $500 million in unmet security needs. And the Port of Chicago, as I mentioned earlier, needs more funds for homeland security.

I am afraid that the Bush administration and this Republican-led Congress have also done little or nothing

to deal with the potential threats at our nuclear powerplants and our chemical industry plants. These, I am afraid, could be a tempting terrorist target.

In our bill, the Real Security Act, on the Democratic side, proposes we spend money to make certain they are safer, that we authorize this expenditure. We want to equip our intelligence community to fight the war against terrorism. Intelligence is our first line in defense. For the first time in 28 years, the Republican Congress has failed to pass an intelligence authorization act. Our amendment does that, to make sure the intelligence agencies have the authorizations they need and the guidance they need to keep America safe.

We also need to provide better tools to bring terrorists to justice. We believe we can do this without abandoning the Constitution or the rule of law.

I salute the Presiding Officer, who has shown extraordinary leadership in this area. His background in the Air Force and his service in the Judge Advocate General Service Corps has made him a very valuable voice in this debate.

I am hopeful that we can show we can keep America safe without abandoning our values, that we can fight terrorism while still honoring those basic principles, those constitutional principles we have all sworn to uphold. We can bring these terrorists to justice. We can do it in a way that we can point to with pride, that the world can judge was a fair proceeding and, in so doing, we can demonstrate to the world that the rule of law is worth following, even when a nation is under attack and threat of terrorism.

This Real Security Act of 2006 is a comprehensive effort on the Democratic side to complement the underlying bill and to make sure we don't do just part of the job but do the entire job, that we move forward to make America safer.

We understand the threat. We live in a dangerous world. The fifth anniversary of 9/11 was a reminder to all of us where we were on that fateful day. If we are going to look forward and say to the American people: We can make your country and our country safer, then we should enact the Real Security Act, the amendment pending before the Senate.

Wouldn't it be refreshing if our Republican colleagues would join us in supporting this amendment, if we could return to the bipartisan spirit that followed 9/11 and do something in concert without partisan division? It really makes America safer.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). Who yields time?

Mrs. MURRAY. Madam President, how much time is remaining?

The PRESIDING OFFICER. There is 17 minutes 28 seconds for the majority and 29 seconds for the minority.

The Senator from Maine.

Ms. COLLINS. Madam President, I yield 5 minutes to the Senator from Kansas, the distinguished chairman of the Intelligence Committee.

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

Mr. ROBERTS. Madam President, I rise today in opposition to the amendment that is proposed by Senator REID. The title of the act Senator REID has proposed is called Real Security. If my colleagues on the other side of the aisle actually believe this amendment is real security, I encourage every American to go home and simply lock their doors.

There are provisions in the amendment that I like. In particular, I support the passage of the Intelligence Authorization Act as it was reported by the Intelligence and the Armed Services Committees. I hope the Senate can act on that bill by unanimous consent without insisting on needless partisan debate on a bill that has bipartisan support.

But now, on the other hand, I oppose the sense-of-Congress language Senator REID has inserted in that bill that suggests the terrorist surveillance program is unlawful. Talk about the sense of the Congress—that means the Congress would not have any sense.

Like most Americans, I believe the President should use all the authority provided by the Constitution and laws of the United States to prevent terrorists from killing innocent Americans. If terrorists outside the United States are placing calls to individuals in the United States, as many people have said over and over and over and over and over again, our intelligence agencies should know about it.

The terrorist surveillance program is lawful. It has been effective. I will oppose any legislation that does not support the continuation of that very valuable program. The bottom line on the terrorist surveillance program is this: The men and women of the NSA are working hard to protect our country day in and day out. We should let these patriotic Americans get back to doing their job.

Beyond that, I am convinced that my colleagues consulted perhaps a group of tenth grade English teachers in preparing this amendment. I haven't seen so many assigned reports since I was in high school.

Instead of providing flexible authorities to protect our Nation, my colleagues on the other side of the aisle have proposed approximately 52—a deck of cards, 52—I say that again, 52 new and continuing reporting requirements. That is one new reporting requirement for every 9 pages of the amendment.

The U.S. Government should be focused on securing our borders, disrupting terrorists, and protecting our ports. This amendment does nothing but divert focus to reporting requirements.

My colleagues have also resorted to an old standby: If you don't have any ideas, throw money and people at a problem. There are about 29 sections that propose new or additional ways to spend our limited resources. We haven't had any committee hearings on these, but they are reported. There are three provisions that increase the size of our Government by adding more personnel.

As a substitute for congressional consideration of legislation to respond to the Supreme Court's Hamdan decision, my colleagues have proposed yet another national commission—yet another national commission. I am not going to go through the trouble of listing all of the commissions that we have had in the last 4 or 5 years. This one, however, is to focus on the detention and interrogation of terrorists captured in the war on terror. Let me give my colleagues the bottom line on the Government's detention and interrogation programs—and there will be legislation that already is reported from the Senate Judiciary Committee to take care of that—they have kept this Nation safe. I think we can forego another commission.

Finally, Senator REID's amendment would authorize three new administrative subpoenas: one for the new commission, one for the Privacy and Civil Liberties Oversight Board, and one for a new Senate committee.

If Senator REID and his colleagues want real security, they should strip out these provisions and simply give the FBI an administrative subpoena to track terrorists and spies. But that is the point of this bill; it is not about real security. This bill is about real Monday morning quarterbacking. It is about tying the hands of our homeland security and intelligence professionals as they attempt to protect this Nation.

The only way this amendment would make the Nation safer is if we made copies of all of the reports that it requires and carpet-bombed Osama bin Laden. I am certain he would suffocate.

I will not support this amendment. I urge my colleagues to oppose it as well.

Mr. LIEBERMAN. Madam President, I am voting today to remove the budgetary point of order in order to consider the REAL security amendment offered by Senator REID. In doing so, I am following through on my longstanding commitment to pass and adequately fund all of the key recommendations of the 9/11 Commission for preventing future terrorist attacks and protecting our country and our people.

If the Senate votes to allow consideration of the amendment, I will introduce a second-degree amendment to strike the provisions on Iraq from the REAL security proposal because they contain language calling for a deadline-driven withdrawal of troops from Iraq, which I have consistently opposed.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam 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. Madam President, it is interesting to hear my friends on the other side of the aisle talk about the 9/11 Commission and then imply that the Reid amendment would finish the job of the 9/11 Commission. In fact, as I pointed out earlier, over 100 pages of the 507-page Reid amendment already are law. They are the foreign policy and public diplomacy recommendations that were recommended by the 9/11 Commission and included in the Intelligence Reform Act which became law 2 years ago—2 years ago. Many of the other recommendations of the 9/11 Commission were enacted as part of that legislation.

Now, there is one area where the 9/11 Commission did recommend changes that have not been completely made, and that is in the area of congressional oversight and the reorganization of committees. Instead, the Senate and the House adopted some, but not all, of those recommendations. But, ironically, the amendment proposed by the Democratic leader does not deal with that unfinished recommendation of the 9/11 Commission. So I don't want to leave the impression that the 9/11 Commission's recommendations are what are largely found in this amendment; they are not, other than the more than 100 pages on the foreign policy and public diplomacy recommendations, which are already law and have been for almost 2 years.

The fact is, our country has made tremendous progress in strengthening our security since 9/11. We have taken many actions, and if we talk to the experts, they will all tell us that those actions have made a difference. Are we completely safe? Of course not. We can never say that we are completely safe, but we are clearly safer than we were 5 years ago due to actions taken by this Congress, this administration, and State and local law enforcement. We have a ways to go, and the underlying bill on port security will help advance the security of this country.

So for the reasons I have already spoken on extensively today, I hope that our colleagues will vote to sustain the point of order which I will shortly be raising against Senator REID's amendment. It does violate the Budget Act, and I will be raising a point of order against it.

But aside from the budget issues, the procedural objections, I hope my colleagues will actually look at the Reid amendment and look at what it does contain. If they do, they will find only one reference in it to port security—only one reference in it to maritime and cargo security. They will instead find page after page of policy that this Senate has already rejected with regard to our engagement in Iraq and the policy on the formula for homeland security grants. They will also find legislation that is already law, and they will find amendments that we have already adopted having to do with rail and mass transit security.

So, unfortunately—and I mean this—sadly, this amendment is simply a partisan hodgepodge of provisions that have been cobbled together. I hope we can dispense with it quickly and then move back to the port security bill, an enormously important bill, a bill that many of us have worked on for years, a bill that has been bipartisan from the very start in both the House and the Senate. That is unusual, as the Presiding Officer knows. This bill is an exception to the rule. But, apparently, we couldn't quite get through the floor debate without having a partisan bomb lobbed at this bill, and I think that is unfortunate. But I hope once we get through this, we can go back to bipartisan consideration of relevant and germane amendments and we can get this work done.

This is a gap in our homeland security. When we talk to the experts, they all tell us they are worried about the security of our seaports and the 11 million shipping containers that come into this country each year. We have a carefully crafted, balanced bill that strikes the right balance between the need to strengthen security and the need to facilitate trade.

Again, I recognize the work that Senator MURRAY has done on this bill. She originated a lot of the concepts in this bill. It has been that kind of bipartisan partnership that has brought us to where we are today. So let's get this partisanship out of the way, and let's return to a bipartisan debate. This bill is so important to the security of people living near our seaports, to those working on our seaports, to the retailers in this country that rely on the cargo brought into our seaports, to our farmers who rely on shipping their crops out of our seaports. Let's remember the impact of this bill on communities not just on our coasts where the seaports are located but communities all across this country that rely on the products brought to our shores by cargo ships, or rely on the cargo ships to export these products.

So I hope we can return to the underlying bill. It is a good bill, and it deserves continued bipartisan support.

Could the Presiding Officer inform me how many minutes are remaining on our side?

The PRESIDING OFFICER. There are 3½ minutes remaining on the majority side.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam 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. Madam President, has all time expired under the time agreement?

The PRESIDING OFFICER. All time has expired.

Ms. COLLINS. Madam President, I raise a point of order against the Reid amendment because it violates section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable sections of that act for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

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

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—41

Baucus	Feingold	Lincoln
Bayh	Feinstein	Menendez
Biden	Harkin	Mikulski
Bingaman	Inouye	Murray
Boxer	Jeffords	Obama
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Clinton	Kohl	Salazar
Conrad	Landrieu	Sarbanes
Dayton	Lautenberg	Schumer
Dodd	Leahy	Stabenow
Dorgan	Levin	Wyden
Durbin	Lieberman	

NAYS—57

Alexander	Dole	Murkowski
Allard	Domenici	Nelson (FL)
Allen	Ensign	Nelson (NE)
Bennett	Enzi	Pryor
Bond	Frist	Roberts
Brownback	Graham	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Burr	Hagel	Smith
Chambliss	Hatch	Snowe
Coburn	Hutchison	Specter
Cochran	Inhofe	Stevens
Coleman	Isakson	Sununu
Collins	Kyl	Talent
Cornyn	Lott	Thomas
Craig	Lugar	Thune
Crapo	Martinez	Vitter
DeMint	McCain	Voinovich
DeWine	McConnell	Warner

NOT VOTING—2

Akaka	Chafee

The motion was rejected.

The PRESIDING OFFICER. On this question, the yeas are 41, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

The Senator from Alaska.

Mr. STEVENS. Is that a vote subject to reconsideration?

The PRESIDING OFFICER. Yes.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4975

Mr. STEVENS. The Biden amendment is now the pending business?

The PRESIDING OFFICER. The Biden amendment is pending.

Mr. STEVENS. Madam President, I wish to discuss this for a few minutes.

I call to the attention of the Senate that this, too, is an all-inclusive amendment. It restores the cuts for law enforcement. It deals with all of the 9/11 Commission recommendations. It deals with requiring 100 percent screening of cargo containers, which is our objective. But we cannot do it all at once. It seeks to bring about screening technologies for liquid explosives and other hazardous materials. It has some interoperable language in it.

This represents a 32-percent annual increase over the current allocation of funds for the Department of Homeland Security. It requires a substantial addition to the Department of Homeland Security.

The interesting thing—and my friend from Delaware is innovative in terms of this—is it does not appropriate the money, but it requires the committee to come forward with a bill to provide $53 billion additional for the Department of Homeland Security.

It is a very interesting amendment, there is no question about that. This is another one of those things everyone would like to do if they had the money to do it. Beyond that, the way it is done, it is a difficult amendment to deal with.

It is not necessary to carry out the port security bill or the real portion of this bill. It deals with an enormous number of issues beyond the scope of the bill. Under the circumstances, I have no alternative but to move to table this amendment. I give my friend from Delaware a chance if he wishes to make a final statement. I move to table the Senator's amendment, but I ask that there be consideration of a period of time prior to voting on that so the Senator may express his point of view; I would say 4 minutes equally divided, or something like that, before the vote.

I have been requested to state that we would like to have that vote take place at 2 p.m. today and prior to the vote have 4 minutes equally divided, with no amendments or other motions in order, and the motion to table subject only to the provision of 4 minutes before a vote is taken on that motion.

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

The Senator from New York.

AMENDMENT NO. 4930, AS MODIFIED

Mr. SCHUMER. Madam President, I call for the regular order with respect to amendment No. 4930.

The PRESIDING OFFICER. That amendment is pending.

Mr. SCHUMER. I have a modification at the deck.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 4930), as modified, is as follows:

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

On page 5, strike line 21 and all that follows through page 62, line 11, and insert the following:

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

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

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

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

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

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

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

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

(10) INTERNATIONAL SUPPLY CHAIN.—The term ''international supply chain'' means the end-to-end process for shipping goods to or from the United States from a point of origin (including manufacturer, supplier, or vendor) through a point of distribution.

(11) RADIATION DETECTION EQUIPMENT.—The term ''radiation detection equipment'' means any technology that is capable of detecting or identifying nuclear and radiological material or nuclear and radiological explosive devices.

(12) SCAN.—The term ''scan'' means utilizing nonintrusive imaging equipment, radiation detection equipment, or both, to capture data, including images of a container.

(13) SCREENING.—The term ''screening'' means a visual or automated review of information about goods, including manifest or entry documentation accompanying a shipment being imported into the United States, to determine the presence of misdeclared, restricted, or prohibited items and assess the level of threat posed by such cargo.

(14) SEARCH.—The term ''search'' means an intrusive examination in which a container is opened and its contents are devanned and visually inspected for the presence of misdeclared, restricted, or prohibited items.

(15) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(16) TRANSPORTATION DISRUPTION.—The term ''transportation disruption'' means any significant delay, interruption, or stoppage in the flow of trade caused by a natural disaster, labor dispute, heightened threat level, an act of terrorism, or any transportation security incident defined in section 70101(6) of title 46, United States Code.

(17) TRANSPORTATION SECURITY INCIDENT.—The term ''transportation security incident'' has the meaning given the term in section 70101(6) of title 46, United States Code.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

SEC. 101. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

''(F) include a salvage response plan—

''(i) to identify salvage equipment capable of restoring operational trade capacity; and

''(ii) to ensure that the waterways are cleared and the flow of commerce through United States ports is reestablished as efficiently and quickly as possible after a maritime transportation security incident.''.

SEC. 102. REQUIREMENTS RELATING TO MARITIME FACILITY SECURITY PLANS.

Section 70103(c) of title 46, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (C)(ii), by striking ''facility'' and inserting ''facility, including access by individuals engaged in the surface transportation of intermodal containers in or out of a port facility'';

(B) in subparagraph (F), by striking ''and'' at the end;

(C) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(H) in the case of a security plan for a facility, be resubmitted for approval of each change in the ownership or operator of the facility that may substantially affect the security of the facility.''; and

(2) by adding at the end the following:

''(8)(A) The Secretary shall require that the qualified individual having full authority to implement security actions for a facility described in paragraph (2) shall be a citizen of the United States.

''(B) The Secretary may waive the requirement of subparagraph (A) with respect to an individual if the Secretary determines that it is appropriate to do so based on a complete background check of the individual and a review of all terrorist watch lists to ensure that the individual is not identified on any such terrorist watch list.''.

SEC. 103. UNANNOUNCED INSPECTIONS OF MARITIME FACILITIES.

Section 70103(c)(4)(D) of title 46, United States Code, is amended to read as follows:

''(D) subject to the availability of appropriations, verify the effectiveness of each such facility security plan periodically, but not less than twice annually, at least 1 of which shall be an inspection of the facility that is conducted without notice to the facility.''.

SEC. 104. TRANSPORTATION SECURITY CARD.

(a) IN GENERAL.—Section 70105 of title 46, United States, Code is amended by adding at the end the following:

''(g) APPLICATIONS FOR MERCHANT MARINER'S DOCUMENTS.—The Assistant Secretary of Homeland Security for the Transportation Security Administration and the Commandant of the Coast Guard shall concurrently process an application from an individual for merchant mariner's documents under chapter 73 of title 46, United States Code, and an application from that individual for a transportation security card under this section.

''(h) FEES.—The Secretary shall ensure that the fees charged each individual obtaining a transportation security card under this section who has passed a background check under section 5103a of title 49, United States

Code, and who has a current and valid hazardous materials endorsement in accordance with section 1572 of title 49, Code of Federal Regulations, and each individual with a current and valid Merchant Mariner Document—

''(1) are for costs associated with the issuance, production, and management of the transportation security card, as determined by the Secretary; and

''(2) do not include costs associated with performing a background check for that individual, unless the scope of said background checks diverge.

''(i) IMPLEMENTATION SCHEDULE.—In implementing the transportation security card program under this section, the Secretary shall—

''(1) conduct a strategic risk analysis and establish a priority for each United States port based on risk; and

''(2) implement the program, based upon risk and other factors as determined by the Secretary, at all facilities regulated under this chapter at—

''(A) the 10 United States ports that are deemed top priority by the Secretary not later than July 1, 2007;

''(B) the 40 United States ports that are next in order of priority to the ports described in subparagraph (A) not later than January 1, 2008; and

''(C) all other United States ports not later than January 1, 2009.

''(j) TRANSPORTATION SECURITY CARD PROCESSING DEADLINE.—Not later than January 1, 2009, the Secretary shall process and issue or deny each application for a transportation security card under this section for individuals with current and valid merchant mariner's documents on the date of enactment of the Port Security Improvement Act of 2006.

''(k) VESSEL AND FACILITY CARD READER ASSESSMENTS.—

''(1) PILOT PROGRAMS.—

''(A) VESSEL PILOT PROGRAM.—The Secretary shall conduct a pilot program in 3 distinct geographic locations to assess the feasibility of implementing card readers at secure areas of a vessel in accordance with the Notice of Proposed Rulemaking released on May 22, 2006, (TSA–2006–24191; USCG–2006–24196).

''(B) FACILITIES PILOT PROGRAM.—In addition to the pilot program described in subparagraph (A), the Secretary shall conduct a pilot program in 3 distinct geographic locations to assess the feasibility of implementing card readers at secure areas of facilities in a variety of environmental settings.

''(C) COORDINATION WITH TRANSPORTATION SECURITY CARDS.—The pilot programs described in subparagraphs (A) and (B) shall be conducted concurrently with the issuance of the transportation security cards as described in subsection (b), of this section to ensure card and card reader interoperability.

''(2) DURATION.—The pilot program described in paragraph (1) shall commence not later than 180 days after the date of the enactment of the Port Security Improvement Act of 2006 and shall terminate 1 year after commencement.

''(3) REPORT.—Not later than 90 days after the termination of the pilot program described under subparagraph (1), the Secretary shall submit a comprehensive report to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)) that includes—

''(A) the actions that may be necessary to ensure that all vessels and facilities to which this section applies are able to comply with the regulations promulgated under subsection (a);

''(B) recommendations concerning fees and a statement of policy considerations for alternative security plans; and

''(C) an analysis of the viability of equipment under the extreme weather conditions of the marine environment.

''(l) PROGRESS REPORTS.—Not later than 6 months after the date of the enactment of the Port Security Improvement Act 2006 and every 6 months thereafter until the requirements under this section are fully implemented, the Secretary shall submit a report on progress being made in implementing such requirements to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).''.

(b) CLARIFICATION OF ELIGIBILITY FOR TRANSPORTATION SECURITY CARDS.—Section 70105(b)(2) of title 46, United States Code, is amended—

(1) by striking ''and'' after the semicolon in subparagraph (E);

(2) by striking ''Secretary.'' in subparagraph (F) and inserting ''Secretary; and''; and

(3) by adding at the end the following:

''(G) other individuals as determined appropriate by the Secretary including individuals employed at a port not otherwise covered by this subsection.''.

(c) DEADLINE FOR SECTION 70105 REGULATIONS.—The Secretary shall promulgate final regulations implementing section 70105 of title 46, United States Code, no later than January 1, 2007.

SEC. 105. LONG-RANGE VESSEL TRACKING.

(a) REGULATIONS.—Section 70115 of title 46, United States Code, is amended in the first sentence by striking ''The Secretary'' and inserting ''Not later than April 1, 2007, the Secretary''.

(b) VOLUNTARY PROGRAM.—The Secretary may issue regulations to establish a voluntary long-range automated vessel tracking system for vessels described in section 70115 of title 46, United States Code, during the period before regulations are issued under such section.

SEC. 106. ESTABLISHMENT OF INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70107 the following:

''§ 70107A. Interagency operational centers for port security

''(a) IN GENERAL.—The Secretary shall establish interagency operational centers for port security at all high-priority ports not later than 3 years after the date of the enactment of the Port Security Improvement Act of 2006.

''(b) CHARACTERISTICS.—The interagency operational centers established under this section shall—

''(1) utilize, as appropriate, the compositional and operational characteristics of centers, including—

''(A) the pilot project interagency operational centers for port security in Miami, Florida; Norfolk/Hampton Roads, Virginia; Charleston, South Carolina; San Diego, California; and

''(B) the virtual operation center of the Port of New York and New Jersey;

''(2) be organized to fit the security needs, requirements, and resources of the individual port area at which each is operating;

''(3) provide, as the Secretary determines appropriate, for participation by representatives of the United States Customs and Border Protection, the Transportation Security Administration, the Department of Justice, the Department of Defense, and other Federal agencies, and State and local law enforcement or port security personnel, members of the Area Maritime Security Committee, and other public and private sector stakeholders; and

''(4) be incorporated in the implementation and administration of—

''(A) maritime transportation security plans developed under section 70103;

''(B) maritime intelligence activities under section 70113 and information sharing activities consistent with section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 485) and the Homeland Security Information Sharing Act (6 U.S.C. 481 et seq.);

''(C) short and long range vessel tracking under sections 70114 and 70115;

''(D) protocols under section 201(b)(10) of the Port Security Improvement Act of 2006;

''(E) the transportation security incident response plans required by section 70104; and

''(F) other activities, as determined by the Secretary.

''(c) SECURITY CLEARANCES.—The Secretary shall sponsor and expedite individuals participating in interagency operational centers in gaining or maintaining their security clearances. Through the Captain of the Port, the Secretary may identify key individuals who should participate. The port or other entities may appeal to the Captain of the Port for sponsorship.''.

(b) 2005 ACT REPORT REQUIREMENT.—Nothing in this section or the amendments made by this section relieves the Commandant of the Coast Guard from complying with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1082). The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(c) BUDGET AND COST-SHARING ANALYSIS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a proposed budget analysis for implementing section 70107A of title 46, United States Code, as added by subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers to be established under such section.

(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70107 the following:

''70107A. Interagency operational centers for port security.''.

Subtitle B—Port Security Grants; Training and Exercise Programs

SEC. 111. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking ''for making a fair and equitable allocation of funds'' and inserting ''for the allocation of funds based on risk''.

(b) MULTIPLE-YEAR PROJECTS, ETC.—Section 70107 of title 46, United States Code, is amended by redesignating subsections (e), (f), (g), (h), and (i) as subsections (i), (j), (k), (l), and (m), respectively, and by inserting after subsection (d) the following:

''(e) MULTIPLE-YEAR PROJECTS.—

''(1) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to such authorities, operators, and agencies.

''(2) LIMITATION.—Not more than 20 percent of the grant funds awarded under this subsection in any fiscal year may be awarded for projects that span multiple years.

''(f) CONSISTENCY WITH PLANS.—The Secretary shall ensure that each grant awarded under subsection (e)—

''(1) is used to supplement and support, in a consistent and coordinated manner, the applicable Area Maritime Transportation Security Plan; and

''(2) is coordinated with any applicable State or Urban Area Homeland Security Plan.

''(g) APPLICATIONS.—Any entity subject to an Area Maritime Transportation Security Plan may submit an application for a grant under this subsection, at such time, in such form, and containing such information and assurances as the Secretary, working through the Directorate for Preparedness, may require.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (l) of section 70107 of title 46, United States Code, as redesignated by subsection (b) is amended to read as follows:

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.''.

SEC. 112. PORT SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, may establish a Port Security Training Program (referred to in this section as the ''Program'') for the purpose of enhancing the capabilities of each of the Nation's commercial seaports to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

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

(1) reaches multiple disciplines, including Federal, State, and local government officials, commercial seaport personnel and management, and governmental and nongovernmental emergency response providers;

(2) provides training at the awareness, performance, and management and planning levels;

(3) utilizes multiple training mediums and methods;

(4) addresses port security topics, including—

(A) seaport security plans and procedures, including how security plans and procedures are adjusted when threat levels increase;

(B) seaport security force operations and management;

(C) physical security and access control at seaports;

(D) methods of security for preventing and countering cargo theft;

(E) container security;

(F) recognition and detection of weapons, dangerous substances, and devices;

(G) operation and maintenance of security equipment and systems;

(H) security threats and patterns;

(I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

(J) evacuation procedures;

(5) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(6) is evaluated against clear and consistent performance measures;

(7) addresses security requirements under facility security plans; and

(8) educates, trains, and involves populations of at-risk neighborhoods around ports, including training on an annual basis for neighborhoods to learn what to be watchful for in order to be a ''citizen corps'', if necessary.

SEC. 113. PORT SECURITY EXERCISE PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, may establish a Port Security Exercise Program (referred to in this section as the ''Program'') for the purpose of testing and evaluating the capabilities of Federal, State, local, and foreign governments, commercial seaport personnel and management, governmental and nongovernmental emergency response providers, the private sector, or any other organization or entity, as the Secretary determines to be appropriate, to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies at commercial seaports.

(b) REQUIREMENTS.—The Secretary shall ensure that the Program—

(1) conducts, on a periodic basis, port security exercises at commercial seaports that are—

(A) scaled and tailored to the needs of each port;

(B) live, in the case of the most at-risk ports;

(C) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(D) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(E) evaluated against clear and consistent performance measures;

(F) assessed to learn best practices, which shall be shared with appropriate Federal, State, and local officials, seaport personnel and management; governmental and nongovernmental emergency response providers, and the private sector; and

(G) followed by remedial action in response to lessons learned; and

(2) assists State and local governments and commercial seaports in designing, implementing, and evaluating exercises that—

(A) conform to the requirements of paragraph (2); and

(B) are consistent with any applicable Area Maritime Transportation Security Plan and State or Urban Area Homeland Security Plan.

(c) IMPROVEMENT PLAN.—The Secretary shall establish a port security improvement plan process to—

(1) identify and analyze each port security exercise for lessons learned and best practices;

(2) disseminate lessons learned and best practices to participants in the Program;

(3) monitor the implementation of lessons learned and best practices by participants in the Program; and

(4) conduct remedial action tracking and long-term trend analysis.

Subtitle C—Port Operations

SEC. 121. DOMESTIC RADIATION DETECTION AND IMAGING.

(a) EXAMINING CONTAINERS.—Not later than December 31, 2007, all containers entering the United States through the busiest 22 seaports of entry shall be examined for radiation.

(b) STRATEGY.—The Secretary shall develop a strategy for the deployment of radiation detection capabilities that includes—

(1) a risk-based prioritization of ports of entry at which radiation detection equipment will be deployed;

(2) a proposed timeline of when radiation detection equipment will be deployed at each port of entry identified under paragraph (1);

(3) the type of equipment to be used at each port of entry identified under paragraph (1), including the joint deployment and utilization of radiation detection equipment and nonintrusive imaging equipment;

(4) standard operating procedures for examining containers with such equipment, including sensor alarming, networking, and communications and response protocols;

(5) operator training plans;

(6) an evaluation of the environmental health and safety impacts of nonintrusive imaging technology;

(7) the policy of the Department for using nonintrusive imagining equipment in tandem with radiation detection equipment; and

(8) a classified annex that—

(A) details plans for covert testing; and

(B) outlines the risk-based prioritization of ports of entry identified under paragraph (1).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit the strategy developed under subsection (b) to the appropriate congressional committees.

(d) UPDATE.—Not later than 180 days after the date of the enactment of this Act, the Secretary may update the strategy submitted under subsection (c) to provide a more complete evaluation under subsection (b)(6).

(e) OTHER WEAPONS OF MASS DESTRUCTION THREATS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a strategy for the development of equipment to detect chemical, biological, and other weapons of mass destruction at all ports of entry into the United States to the appropriate congressional committees.

(f) STANDARDS.—The Secretary, in conjunction with the National Institute of Standards and Technology, shall publish technical capability standards and recommended standard operating procedures for the use of nonintrusive imaging and radiation detection equipment in the United States. Such standards and procedures—

(1) should take into account relevant standards and procedures utilized by other Federal departments or agencies as well as those developed by international bodies; and

(2) shall not be designed so as to endorse specific companies or create sovereignty conflicts with participating countries.

(g) IMPLEMENTATION.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall fully implement the strategy developed under subsection (b).

SEC. 122. PORT SECURITY USER FEE STUDY.

The Secretary shall conduct a study of the need for, and feasibility of, establishing a system of ocean-borne and port-related transportation user fees that may be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for legitimate improvements to, and maintenance of, port security. Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains—

(1) the results of the study;

(2) an assessment of the annual amount of customs fees and duties collected through ocean-borne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security;

(3)(A) an assessment of the fees, charges, and standards imposed on United States ports, port terminal operators, shippers, and persons who use United States ports, compared with the fees and charges imposed on ports and port terminal operators in Canada and Mexico and persons who use those foreign ports; and

(B) an assessment of the impact on the competitiveness of United States ports, port terminal operators, and shippers; and

(4) the Secretary's recommendations based upon the study, and an assessment of the consistency of such recommendations with the international obligations and commitments of the United States.

SEC. 123. INSPECTION OF CAR FERRIES ENTERING FROM ABROAD.

Not later than 120 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, and in coordination with the Secretary of State, and in cooperation with appropriate foreign government officials, shall seek to develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States seaport.

SEC. 124. RANDOM SEARCHES OF CONTAINERS.

Not later than 1 year after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling, to conduct random searches of containers in addition to any targeted or preshipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Secretary. Nothing in this section shall be construed to mean that implementation of the random sampling plan precludes additional searches of containers not inspected pursuant to the plan.

SEC. 125. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) of title 46, United States Code, is amended by adding at the end the following: ''In this paragraph, the term 'economic disruption' does not include a work stoppage or other nonviolent employee-related action not related to terrorism and resulting from an employee-employer dispute.''.

TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

Subtitle A—General Provisions

SEC. 201. STRATEGIC PLAN TO ENHANCE THE SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.

(a) STRATEGIC PLAN.—The Secretary, in consultation with appropriate Federal, State, local, and tribal government agencies and private-sector stakeholders responsible for security matters that affect or relate to the movement of containers through the international supply chain, shall develop, implement, and update, as appropriate, a strategic plan to enhance the security of the international supply chain.

(b) REQUIREMENTS.—The strategic plan required under subsection (a) shall—

(1) describe the roles, responsibilities, and authorities of Federal, State, local, and tribal government agencies and private-sector stakeholders that relate to the security of the movement of containers through the international supply chain;

(2) identify and address gaps and unnecessary overlaps in the roles, responsibilities, or authorities described in paragraph (1);

(3) identify and make recommendations regarding legislative, regulatory, and organizational changes necessary to improve coordination among the entities or to enhance the security of the international supply chain;

(4) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

(5) build on available resources and consider costs and benefits;

(6) provide incentives for additional voluntary measures to enhance cargo security, as determined by the Commissioner;

(7) consider the impact of supply chain security requirements on small and medium size companies;

(8) include a process for sharing intelligence and information with private-sector stakeholders to assist in their security efforts;

(9) identify a framework for prudent and measured response in the event of a transportation security incident involving the international supply chain;

(10) provide protocols for the expeditious resumption of the flow of trade in accordance with section 202, including—

(A) the identification of the appropriate initial incident commander, if the Commandant of the Coast Guard is not the appropriate initial incident commander, and lead departments, agencies, or offices to execute such protocols;

(B) a plan to redeploy resources and personnel, as necessary, to reestablish the flow of trade in the event of a transportation disruption; and

(C) a plan to provide training for the periodic instruction of personnel of the United States Customs and Border Protection in trade resumption functions and responsibilities following a transportation disruption;

(11) consider the linkages between supply chain security and security programs within other systems of movement, including travel security and terrorism finance programs; and

(12) expand upon and relate to existing strategies and plans, including the National Response Plan, National Maritime Transportation Security Plan, and the 8 supporting plans of the Strategy, as required by Homeland Security Presidential Directive 13.

(c) CONSULTATION.—In developing protocols under subsection (b)(10), the Secretary shall consult with Federal, State, local, and private sector stakeholders, including the National Maritime Security Advisory Committee and the Commercial Operations Advisory Committee.

(d) COMMUNICATION.—To the extent practicable, the strategic plan developed under subsection (a) shall provide for coordination with, and lines of communication among, appropriate Federal, State, local, and private-sector stakeholders on law enforcement actions, intermodal rerouting plans, and other strategic infrastructure issues.

(e) UTILIZATION OF ADVISORY COMMITTEES.—As part of the consultations described in subsection (a), the Secretary shall, to the extent practicable, utilize the Homeland Security Advisory Committee, the National Maritime Security Advisory Committee, and the Commercial Operations Advisory Committee to review, as necessary, the draft strategic plan and any subsequent updates to the strategic plan.

(f) INTERNATIONAL STANDARDS AND PRACTICES.—In furtherance of the strategic plan required under subsection (a), the Secretary is encouraged to consider proposed or established standards and practices of foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Organization for Standardization, as appropriate, to establish standards and best practices for the security of containers moving through the international supply chain.

(g) REPORT.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that contains the strategic plan required by subsection (a).

(2) FINAL REPORT.—Not later than 3 years after the date on which the strategic plan is submitted under paragraph (1), the Secretary shall submit a report to the appropriate congressional committees that contains an update of the strategic plan.

SEC. 202. POST INCIDENT RESUMPTION OF TRADE.

(a) IN GENERAL.—Except as otherwise determined by the Secretary, in the event of a maritime transportation disruption or a maritime transportation security incident, the initial incident commander and the lead department, agency, or office for carrying out the strategic plan required under section 201 shall be determined by the protocols required under section 201(b)(10).

(b) VESSELS.—The Commandant of the Coast Guard shall, to the extent practicable and consistent with the protocols and plans required under paragraphs (10) and (12) of section 201(b), ensure the safe and secure transit of vessels to ports in the United States after a maritime transportation security incident, with priority given to vessels carrying cargo determined by the President to be critical for response and recovery from such a disruption or incident, and to vessels that—

(1) have either a vessel security plan approved under section 70103(c) of title 46, United States Code, or a valid international ship security certificate, as provided under part 104 of title 33, Code of Federal Regulations;

(2) are manned by individuals who are described in section 70105(b)(2)(B) of title 46, United States Code, and who—

(A) have undergone a background records check under section 70105(d) of title 46, United States Code; or

(B) hold a transportation security card issued under section 70105 of title 46, United States Code; and

(3) are operated by validated participants in the Customs-Trade Partnership Against Terrorism program.

(c) CARGO.—Consistent with the protocols and plans required under paragraphs (10) and (12) of section 201(b), the Commissioner shall give preference to cargo—

(1) entering a port of entry directly from a foreign seaport designated under Container Security Initiative;

(2) determined by the President to be critical for response and recovery;

(3) that has been handled by a validated C–TPAT participant; or

(4) that has undergone (A) a nuclear or radiological detection scan, (B) an x-ray, density or other imaging scan, and (C) an optical recognition scan, at the last port of departure prior to arrival in the United States, which data has been evaluated and analyzed by United States Customs and Border Protection personnel.

(d) COORDINATION.—The Secretary shall ensure that there is appropriate coordination among the Commandant of the Coast Guard, the Commissioner, and other Federal officials following a maritime disruption or maritime transportation security incident in order to provide for the resumption of trade.

(e) COMMUNICATION.—Consistent with section 201 of this Act, the Commandant of the Coast Guard, Commissioner, and other appropriate Federal officials, shall promptly communicate any revised procedures or instructions intended for the private sector following a maritime disruption or maritime transportation security incident.

SEC. 203. AUTOMATED TARGETING SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall—

(1) identify and seek the submission of data related to the movement of a shipment of cargo through the international supply chain; and

(2) analyze the data described in paragraph (1) to identify high-risk cargo for inspection.

(b) CONSIDERATION.—The Secretary, acting through the Commissioner, shall—

(1) consider the cost, benefit, and feasibility of—

(A) requiring additional nonmanifest documentation;

(B) reducing the time period allowed by law for revisions to a container cargo manifest;

(C) reducing the time period allowed by law for submission of certain elements of entry data, for vessel or cargo; and

(D) such other actions the Secretary considers beneficial for improving the information relied upon for the Automated Targeting System and any successor targeting system in furthering the security and integrity of the international supply chain; and

(2) consult with stakeholders, including the Commercial Operations Advisory Committee, and identify to them the need for such information, and the appropriate timing of its submission.

(c) DETERMINATION.—Upon the completion of the process under subsection (b), the Secretary, acting through the Commissioner, may require importers to submit certain elements of non-manifest or other data about a shipment bound for the United States not later than 24 hours before loading a container on a vessel at a foreign port bound for the United States.

(d) SYSTEM IMPROVEMENTS.—The Secretary, acting through the Commissioner, shall—

(1) conduct, through an independent panel, a review of the effectiveness and capabilities of the Automated Targeting System;

(2) consider future iterations of the Automated Targeting System;

(3) ensure that the Automated Targeting System has the capability to electronically compare manifest and other available data for cargo entered into or bound for the United States to detect any significant anomalies between such data and facilitate the resolution of such anomalies; and

(4) ensure that the Automated Targeting System has the capability to electronically identify, compile, and compare select data elements for cargo entered into or bound for the United States following a maritime transportation security incident, in order to efficiently identify cargo for increased inspection or expeditious release.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the Automated Targeting System for identifying high-risk ocean-borne container cargo for inspection—

(A) $33,200,000 for fiscal year 2008;

(B) $35,700,000 for fiscal year 2009; and

(C) $37,485,000 for fiscal year 2010.

(2) SUPPLEMENT FOR OTHER FUNDS.—The amounts authorized by this subsection shall be in addition to any other amount authorized to be appropriated to carry out the Automated Targeting System.

SEC. 204. CONTAINER SECURITY STANDARDS AND PROCEDURES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to establish minimum standards and procedures for securing containers in transit to an importer in the United States.

(2) INTERIM RULE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue an interim final rule pursuant to the proceeding described in paragraph (1).

(3) MISSED DEADLINE.—If the Secretary is unable to meet the deadline established pursuant to paragraph (2), the Secretary shall transmit a letter to the appropriate congressional committees explaining why the Secretary is unable to meet that deadline and describing what must be done before such minimum standards and procedures can be established.

(b) REVIEW AND ENHANCEMENT.—The Secretary shall regularly review and enhance the standards and procedures established pursuant to subsection (a).

(c) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, the Secretary of Energy, and other government officials, as appropriate, and with the Commercial Operations Advisory Committee, the Homeland Security Advisory Committee, and the National Maritime Security Advisory Committee, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

SEC. 205. CONTAINER SECURITY INITIATIVE.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall establish and implement a program (referred to in this section as the ''Container Security Initiative'') to identify and examine or search maritime containers that pose a security risk before loading such containers in a foreign port for shipment to the United States, either directly or through a foreign port.

(b) ASSESSMENT.—The Secretary, acting through the Commissioner, may designate foreign seaports to participate in the Container Security Initiative after the Secretary has assessed the costs, benefits, and other factors associated with such designation, including—

(1) the level of risk for the potential compromise of containers by terrorists, or other threats as determined by the Secretary;

(2) the volume and value of cargo being imported to the United States directly from, or being transshipped through, the foreign seaport;

(3) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

(4) the commitment of the government of the country in which the foreign seaport is located to cooperate with the Department to carry out the Container Security Initiative; and

(5) the potential for validation of security practices at the foreign seaport by the Department.

(c) NOTIFICATION.—The Secretary shall notify the appropriate congressional committees of the designation of a foreign port under the Container Security Initiative or the revocation of such a designation before notifying the public of such designation or revocation.

(d) NEGOTIATIONS.—The Secretary, in cooperation with the Secretary of State and in consultation with the United States Trade Representative, may enter into negotiations with the government of each foreign nation in which a seaport is designated under the Container Security Initiative to ensure full compliance with the requirements under the Container Security Initiative.

(e) OVERSEAS INSPECTIONS.—The Secretary shall enter into agreements with the governments of foreign countries participating in the Container Security Initiative that establish criteria and procedures for an integrated scanning system and shall monitor operations at foreign seaports designated under the Container Security Initiative to ensure the use of such criteria and procedures. Such criteria and procedures—

(1) shall be consistent with relevant standards and procedures utilized by other Federal departments or agencies, or developed by international bodies if the United States consents to such standards and procedures;

(2) shall not apply to activities conducted under the Megaports Initiative of the Department of Energy;

(3) shall not be designed to endorse the product or technology of any specific company or to conflict with the sovereignty of a country in which a foreign seaport designated under the Container Security Initiative is located;

(4) shall be applied to the equipment operated at each foreign seaport designated under the Container Security Initiative, except as provided under paragraph (2); and

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

(f) SAVINGS PROVISION.—The authority of the Secretary under this section shall not affect any authority or duplicate any efforts or responsibilities of the Federal Government with respect to the deployment of radiation detection equipment outside of the United States under any program administered by the Department.

(g) COORDINATION.—The Secretary shall coordinate with the Secretary of Energy to—

(1) provide radiation detection equipment required to support the Container Security Initiative through the Department of Energy's Second Line of Defense and Megaports programs; or

(2) work with the private sector to obtain radiation detection equipment that meets the Department's technical specifications for such equipment.

(h) STAFFING.—The Secretary shall develop a human capital management plan to determine adequate staffing levels in the United States and in foreign seaports including, as appropriate, the remote location of personnel in countries in which foreign seaports are designated under the Container Security Initiative.

(i) ANNUAL DISCUSSIONS.—The Secretary, in coordination with the appropriate Federal officials, shall hold annual discussions with foreign governments of countries in which foreign seaports designated under the Container Security Initiative are located regarding best practices, technical assistance, training needs, and technological developments that will assist in ensuring the efficient and secure movement of international cargo.

(j) LESSER RISK PORT.—The Secretary, acting through the Commissioner, may treat cargo loaded in a foreign seaport designated under the Container Security Initiative as presenting a lesser risk than similar cargo loaded in a foreign seaport that is not designated under the Container Security Initiative, for the purpose of clearing such cargo into the United States.

(k) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2007, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit a report to the appropriate congressional committee on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The report shall include—

(A) a description of the technical assistance delivered to, as well as needed at, each designated seaport;

(B) a description of the human capital management plan at each designated seaport;

(C) a summary of the requests made by the United States to foreign governments to conduct physical or nonintrusive inspections of

cargo at designated seaports, and whether each such request was granted or denied by the foreign government;

(D) an assessment of the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports and the effect on the flow of commerce at such seaports, as well as any recommendations for improving the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports;

(E) a description and assessment of the outcome of any security incident involving a foreign seaport designated under the Container Security Initiative; and

(F) a summary and assessment of the aggregate number and extent of trade compliance lapses at each seaport designated under the Container Security Initiative.

(2) UPDATED REPORT.—Not later than September 30, 2010, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit an updated report to the appropriate congressional committees on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The updated report shall address each of the elements required to be included in the report provided for under paragraph (1).

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the provisions of this section—

(1) $144,000,000 for fiscal year 2008;

(2) $146,000,000 for fiscal year 2009; and

(3) $153,300,000 for fiscal year 2010.

Subtitle B—Customs-Trade Partnership Against Terrorism

SEC. 211. ESTABLISHMENT.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner is authorized to establish a voluntary government-private sector program (to be known as the ''Customs-Trade Partnership Against Terrorism'' or ''C–TPAT'') to strengthen and improve the overall security of the international supply chain and United States border security, and to facilitate the movement of secure cargo through the international supply chain, by providing benefits to participants meeting or exceeding the program requirements. Participants in C–TPAT shall include tier 1 participants, tier 2 participants, and tier 3 participants.

(b) MINIMUM SECURITY REQUIREMENTS.—The Secretary, acting through the Commissioner, shall review the minimum security requirements of C–TPAT at least once every year and update such requirements as necessary.

SEC. 212. ELIGIBLE ENTITIES.

Importers, customs brokers, forwarders, air, sea, land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system are eligible to apply to voluntarily enter into partnerships with the Department under C–TPAT.

SEC. 213. MINIMUM REQUIREMENTS.

An applicant seeking to participate in C–TPAT shall—

(1) demonstrate a history of moving cargo in the international supply chain;

(2) conduct an assessment of its supply chain based upon security criteria established by the Secretary, acting through the Commissioner, including—

(A) business partner requirements;

(B) container security;

(C) physical security and access controls;

(D) personnel security;

(E) procedural security;

(F) security training and threat awareness; and

(G) information technology security;

(3) implement and maintain security measures and supply chain security practices meeting security criteria established by the Commissioner; and

(4) meet all other requirements established by the Commissioner in consultation with the Commercial Operations Advisory Committee.

SEC. 214. TIER 1 PARTICIPANTS IN C–TPAT.

(a) BENEFITS.—The Secretary, acting through the Commissioner, shall offer limited benefits to a tier 1 participant who has been certified in accordance with the guidelines referred to in subsection (b). Such benefits may include a reduction in the score assigned pursuant to the Automated Targeting System of not greater than 20 percent of the high risk threshold established by the Secretary.

(b) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall update the guidelines for certifying a C–TPAT participant's security measures and supply chain security practices under this section. Such guidelines shall include a background investigation and extensive documentation review.

(c) TIME FRAME.—To the extent practicable, the Secretary, acting through the Commissioner, shall complete the tier 1 certification process within 90 days of receipt of an application for participation in C–TPAT.

SEC. 215. TIER 2 PARTICIPANTS IN C–TPAT.

(a) VALIDATION.—The Secretary, acting through the Commissioner, shall validate the security measures and supply chain security practices of a tier 1 participant in accordance with the guidelines referred to in subsection (c). Such validation shall include on-site assessments at appropriate foreign locations utilized by the tier 1 participant in its supply chain and shall, to the extent practicable, be completed not later than 1 year after certification as a tier 1 participant.

(b) BENEFITS.—The Secretary, acting through the Commissioner, shall extend benefits to each C-TPAT participant that has been validated as a tier 2 participant under this section, which may include—

(1) reduced scores in the Automated Targeting System;

(2) reduced examinations of cargo; and

(3) priority searches of cargo.

(c) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall develop a schedule and update the guidelines for validating a participant's security measures and supply chain security practices under this section.

SEC. 216. TIER 3 PARTICIPANTS IN C–TPAT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall establish a third tier of C–TPAT participation that offers additional benefits to participants who demonstrate a sustained commitment to maintaining security measures and supply chain security practices that exceed the guidelines established for validation as a tier 2 participant in C–TPAT under section 215 of this Act.

(b) CRITERIA.—The Secretary, acting through the Commissioner, shall designate criteria for validating a C–TPAT participant as a tier 3 participant under this section. Such criteria may include—

(1) compliance with any additional guidelines established by the Secretary that exceed the guidelines established pursuant to section 215 of this Act for validating a C–TPAT participant as a tier 2 participant, particularly with respect to controls over access to cargo throughout the supply chain;

(2) voluntary submission of additional information regarding cargo prior to loading, as determined by the Secretary;

(3) utilization of container security devices and technologies that meet standards and criteria established by the Secretary; and

(4) compliance with any other cargo requirements established by the Secretary.

(c) BENEFITS.—The Secretary, acting through the Commissioner, in consultation with the Commercial Operations Advisory Committee and the National Maritime Security Advisory Committee, shall extend benefits to each C–TPAT participant that has been validated as a tier 3 participant under this section, which may include—

(1) the expedited release of a tier 3 participant's cargo in destination ports within the United States during all threat levels designated by the Secretary;

(2) in addition to the benefits available to tier 2 participants—

(A) further reduction in examinations of cargo;

(B) priority for examinations of cargo; and

(C) further reduction in the risk score assigned pursuant to the Automated Targeting System;

(3) notification of specific alerts and post-incident procedures to the extent such notification does not compromise the security interests of the United States; and

(4) inclusion in joint incident management exercises, as appropriate.

(d) DEADLINE.—Not later than 2 years after the date of the enactment of this Act, the Secretary, acting through the Commissioner, shall designate appropriate criteria pursuant to subsection (b) and provide benefits to validated tier 3 participants pursuant to subsection (c).

SEC. 217. CONSEQUENCES FOR LACK OF COMPLIANCE.

(a) IN GENERAL.—If at any time a C–TPAT participant's security measures and supply chain security practices fail to meet any of the requirements under this subtitle, the Commissioner may deny the participant benefits otherwise available under this subtitle, in whole or in part.

(b) FALSE OR MISLEADING INFORMATION.—If a C–TPAT participant knowingly provides false or misleading information to the Commissioner during the validation process provided for under this subtitle, the Commissioner shall suspend or expel the participant from C–TPAT for an appropriate period of time. The Commissioner may publish in the Federal Register a list of participants who have been suspended or expelled from C–TPAT pursuant to this subsection, and may make such list available to C–TPAT participants.

(c) RIGHT OF APPEAL.—

(1) IN GENERAL.—A C–TPAT participant may appeal a decision of the Commissioner pursuant to subsection (a). Such appeal shall be filed with the Secretary not later than 90 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

(2) APPEALS OF OTHER DECISIONS.—A C–TPAT participant may appeal a decision of the Commissioner pursuant to subsection (b). Such appeal shall be filed with the Secretary not later than 30 days after the date of the decision, and the Secretary shall issue a determination not later than 180 days after the appeal is filed.

SEC. 218. REVALIDATION.

The Secretary, acting through the Commissioner, shall develop and implement—

(1) a revalidation process for tier 2 and tier 3 participants;

(2) a framework based upon objective criteria for identifying participants for periodic

revalidation not less frequently than once during each 5-year period following the initial validation; and

(3) an annual plan for revalidation that includes—

(A) performance measures;

(B) an assessment of the personnel needed to perform the revalidations; and

(C) the number of participants that will be revalidated during the following year.

SEC. 219. NONCONTAINERIZED CARGO.

The Secretary, acting through the Commissioner, shall consider the potential for participation in C–TPAT by importers of noncontainerized cargoes that otherwise meet the requirements under this subtitle.

SEC. 220. C–TPAT PROGRAM MANAGEMENT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner, shall establish sufficient internal quality controls and record management to support the management systems of C–TPAT. In managing the program, the Secretary shall ensure that the program includes:

(1) STRATEGIC PLAN.—A 5-year plan to identify outcome-based goals and performance measures of the program.

(2) ANNUAL PLAN.—An annual plan for each fiscal year designed to match available resources to the projected workload.

(3) STANDARDIZED WORK PROGRAM.—A standardized work program to be used by agency personnel to carry out the certifications, validations, and revalidations of participants. The Secretary shall keep records and monitor staff hours associated with the completion of each such review.

(b) DOCUMENTATION OF REVIEWS.—The Secretary, acting through the Commissioner, shall maintain a record management system to document determinations on the reviews of each C–TPAT participant, including certifications, validations, and revalidations.

(c) CONFIDENTIAL INFORMATION SAFEGUARDS.—In consultation with the Commercial Operations Advisory Committee, the Secretary, acting through the Commissioner, shall develop and implement procedures to ensure the protection of confidential data collected, stored, or shared with government agencies or as part of the application, certification, validation, and revalidation processes.

SEC. 221. RESOURCE MANAGEMENT STAFFING PLAN.

The Secretary, acting through the Commissioner, shall—

(1) develop a staffing plan to recruit and train staff (including a formalized training program) to meet the objectives identified in the strategic plan of the C–TPAT program; and

(2) provide cross-training in post-incident trade resumption for personnel who administer the C–TPAT program.

SEC. 222. ADDITIONAL PERSONNEL.

In each of the fiscal years 2007 through 2009, the Commissioner shall increase by not less than 50 the number of full-time personnel engaged in the validation and revalidation of C–TPAT participants (over the number of such personnel on the last day of the previous fiscal year), and shall provide appropriate training and support to such additional personnel.

SEC. 223. AUTHORIZATION OF APPROPRIATIONS.

(a) C-TPAT.—There are authorized to be appropriated to the United States Customs and Border Protection in the Department of Homeland Security to carry out the provisions of sections 211 through 221 to remain available until expended—

(1) $65,000,000 for fiscal year 2008;

(2) $72,000,000 for fiscal year 2009; and

(3) $75,600,000 for fiscal year 2010.

(b) ADDITIONAL PERSONNEL.—In addition to any monies hereafter appropriated to the United States Customs and Border Protection in the Department of Homeland Security, there are authorized to be appropriated for the purpose of meeting the staffing requirement provided for in section 222, to remain available until expended—

(1) $8,500,000 for fiscal year 2007;

(2) $17,600,000 for fiscal year 2008;

(3) $27,300,000 for fiscal year 2009;

(4) $28,300,000 for fiscal year 2010; and

(5) $29,200,000 for fiscal year 2011.

SEC. 224. REPORT TO CONGRESS.

In connection with the President's annual budget submission for the Department of Homeland Security, the Secretary shall report to the appropriate congressional committees on the progress made by the Commissioner to certify, validate, and revalidate C–TPAT participants. Such report shall be due on the same date that the President's budget is submitted to the Congress.

Subtitle C—Miscellaneous Provisions

SEC. 231. PILOT INTEGRATED SCANNING SYSTEM.

(a) DESIGNATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall designate 3 foreign seaports through which containers pass or are transshipped to the United States for the establishment of pilot integrated scanning systems that couple nonintrusive imaging equipment and radiation detection equipment. The equipment may be provided by the Megaports Initiative of the Department of Energy. In making the designations under this paragraph, the Secretary shall consider 3 distinct ports with unique features and differing levels of trade volume.

(b) COLLABORATION AND COOPERATION.—The Secretary shall collaborate with the Secretary of Energy and cooperate with the private sector and the foreign government of each country in which a foreign seaport is designated pursuant to subsection (a) to implement the pilot systems.

(c) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall achieve a full-scale implementation of the pilot integrated screening system, which shall—

(1) scan all containers destined for the United States that transit through the port; and

(2) electronically transmit the images and information to the container security initiative personnel in the host country and customs personnel in the United States for evaluation and analysis.

(d) REPORT.—Not later than 120 days after achieving full-scale implementation under subsection (c), the Secretary, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report to the appropriate congressional committees, that includes—

(1) an evaluation of the lessons derived from the pilot system implemented under this subsection;

(2) an analysis of the efficacy of the Automated Targeting System or other relevant programs in utilizing the images captured to examine high-risk containers;

(3) an evaluation of software that is capable of automatically identifying potential anomalies in scanned containers;

(4) an analysis of the need and feasibility of expanding the integrated scanning system to other container security initiative ports, including—

(A) an analysis of the infrastructure requirements;

(B) a projection of the effect on current average processing speed of containerized cargo;

(C) an evaluation of the scalability of the system to meet both current and future forecasted trade flows;

(D) the ability of the system to automatically maintain and catalog appropriate data for reference and analysis in the event of a transportation disruption;

(E) an analysis of requirements to install and maintain an integrated scanning system;

(F) the ability of administering personnel to efficiently manage and utilize the data produced by a non-intrusive scanning system;

(G) the ability to safeguard commercial data generated by, or submitted to, a non-intrusive scanning system; and

(H) an assessment of the reliability of currently available technology to implement an integrated scanning system.

(e) IMPLEMENTATION.—Not later than October 1, 2010, an integrated scanning system shall be implemented to scan all containers entering the United States prior to arrival in the United States.

Mr. SCHUMER. I thank the Senator from Alaska.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON, Madam President, I will yield a few minutes to Senator KERRY in a moment, but I ask unanimous consent to temporarily set aside the pending amendment to call up an amendment.

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

AMENDMENT NO. 4957

Mrs. CLINTON. I ask unanimous consent to call up Senate amendment 4957.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mrs. CLINTON] for herself and Mrs. DOLE, proposes an amendment numbered 4957.

Mrs. CLINTON. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To facilitate nationwide availability of 2–1–1 telephone service for information on and referral to human services, including volunteer opportunities related to human services, and for other purposes)

At the end, insert the following:

TITLE __—2-1-1 SERVICE

SEC. __1. GRANTS TO FACILITATE NATIONWIDE AVAILABILITY OF 2–1–1 SERVICE FOR INFORMATION ON AND REFERRAL TO HUMAN SERVICES.

(a) GRANTS REQUIRED.—The Secretary of Health and Human Services, acting through the Assistant Secretary for Children and Families, shall award a grant to each eligible State to carry out a program for the purpose of making 2–1–1 telephone service available to all residents of the State with phone service for information on and referral to human services. The grant, and the service provided through the grant, shall supplement existing (as of the date of the award) funding streams or services.

(b) PERIOD AND AMOUNT OF GRANTS.—The Secretary of Health and Human Services shall award the grants for periods determined by the Secretary. The Secretary shall award the grants in amounts that are not less than a minimum amount determined by the Secretary.

(c) REQUIREMENT ON SHARE OF ACTIVITIES.—

(1) REQUIREMENT.—A State may not be awarded a grant under this section unless the State ensures that at least 50 percent of the resources of the program funded by the grant will be derived from other sources.

(2) IN-KIND CONTRIBUTIONS.—The requirement specified in paragraph (1) may be satisfied by in-kind contributions of goods or services.

(d) LEAD ENTITY.—

(1) IN GENERAL.—A State seeking a grant under this section shall carry out this section through a lead entity (also known as a ''2–1–1 Collaborative'') meeting the requirements of this subsection.

(2) 2–1–1 COLLABORATIVE.—An entity shall be treated as the 2–1–1 Collaborative for a State under this subsection if the entity—

(A) exists for such purpose under State law;

(B) exists for such purpose by order of the State public utility commission; or

(C) is a collaborative entity established by the State for such purpose from among representatives of—

(i) an informal existing (as of the date of establishment of the entity) 2–1–1 statewide collaborative, if any, in the State;

(ii) State agencies;

(iii) community-based organizations;

(iv) faith-based organizations;

(v) not-for-profit organizations;

(vi) comprehensive and specialized information and referral providers, including current (as of the date of establishment of the entity) 2–1–1 call centers;

(vii) foundations; and

(viii) businesses.

(3) REQUIREMENTS FOR PREEXISTING LEAD ENTITIES.—An entity described by subparagraph (A) or (B) of paragraph (2) may be treated as a lead entity under this subsection only if such entity collaborates, to the extent practicable, with the organizations and entities listed in subparagraph (C) of that paragraph.

(e) APPLICATION.—

(1) IN GENERAL.—The lead entity for each State seeking a grant under this section shall submit to the Secretary an application in such form as the Secretary shall require.

(2) INFORMATION.—An application for a State under this subsection shall contain information as follows:

(A) Information, on the program to be carried out by the lead entity for the State so that every resident of the State with phone service may call the 2–1–1 telephone service at no charge to the caller, describing how the lead entity plans to make available throughout the State 2–1–1 telephone service information and referral on human services, including information on the manner in which the lead entity will develop, sustain, and evaluate the program.

(B) Information on the sources of resources for the program for purposes of meeting the requirement specified in subsection (c).

(C) Information describing how the entity shall provide, to the extent practicable, a statewide database available to all residents of the State as well as all providers of human services programs, through the Internet, that will allow them to search for programs or services that are available according to the data gathered by the human services programs in the State.

(D) Any additional information that the Secretary may require for purposes of this section.

(f) SUBGRANTS.—

(1) AUTHORITY.—In carrying out a program to make 2–1–1 telephone service available to all residents of a State with phone service, the lead entity for the State may award subgrants to such persons or entities as the lead entity considers appropriate for purposes of the program, including subgrants to provide funds—

(A) for the provision of 2–1–1 telephone service;

(B) for the operation and maintenance of 2–1–1 call centers; and

(C) for the collection and display of information for the statewide database.

(2) CONSIDERATIONS.—In awarding a subgrant under this subsection, a lead entity shall consider—

(A) the ability of the person or entity seeking the subgrant to carry out activities or provide services consistent with the program;

(B) the extent to which the award of the subgrant will facilitate equitable geographic distribution of subgrants under this section to ensure that rural communities have access to 2–1–1 telephone service; and

(C) the extent to which the recipient of the subgrant will establish and maintain cooperative relationships with specialized information and referral centers, including Child Care Resource Referral Agencies, crisis centers, 9–1–1 call centers, and 3–1–1 call centers, if applicable.

(g) USE OF GRANT AND SUBGRANT AMOUNTS.—

(1) IN GENERAL.—Amounts awarded as grants or subgrants under this section shall be used solely to make available 2–1–1 telephone service to all residents of a State with phone service for information on and referral to human services, including telephone connections between families and individuals seeking such services and the providers of such services.

(2) PARTICULAR MATTERS.—In making 2–1–1 telephone service available, the recipient of a grant or subgrant shall, to the maximum extent practicable—

(A) abide by the highest quality existing (as of the date of the award of the grant or subgrant) Key Standards for 2–1–1 Centers; and

(B) collaborate with human services organizations, whether public or private, to provide an exhaustive database of services with which to provide information or referrals to individuals utilizing 2–1–1 telephone service.

(3) USE OF FUNDS.—Amounts of a subgrant under subsection (f) may be used by subgrant recipients for statewide and regional planning, start-up costs (including costs of software and hardware upgrades and telecommunications costs), training, accreditation, public awareness activities, evaluation of activities, Internet hosting and site development and maintenance for a statewide database, database integration projects that incorporate data from different 2–1–1 programs into a single statewide database, and the provision of 2–1–1 telephone service. The amounts may not be used for maintenance activities or any other ongoing activity that promotes State reliance on the amounts.

(h) REQUIREMENT ON ALLOCATION OF GRANT AMOUNTS.—Of the amounts awarded under this section, an aggregate of not more than 15 percent shall be allocated for evaluation, training, and technical assistance, and for management and administration of subgrants awarded under this section.

(i) REPORTS.—The lead entity for each State awarded a grant under this section for a fiscal year shall submit to the Secretary, not later than 60 days after the end of such fiscal year, a report on the program funded by the grant. Each report shall—

(1) describe the program funded by the grant;

(2) assess the effectiveness of the program in making available, to all residents of the State with phone service, 2–1–1 telephone service, for information on and referral to human services in accordance with the provisions of this section; and

(3) assess the effectiveness of collaboration with human services resource and referral entities and service providers.

(j) DEFINITIONS.—In this section:

(1) HUMAN SERVICES.—The term ''human services'' means services as follows:

(A) Services that assist individuals in becoming more self-sufficient, in preventing dependency, and in strengthening family relationships.

(B) Services that support personal and social development.

(C) Services that help ensure the health and well-being of individuals, families, and communities.

(2) INFORMATION AND REFERRAL CENTER.—The term ''information and referral center'' means a center that—

(A) maintains a database of providers of human services in a State or locality;

(B) assists individuals, families, and communities in identifying, understanding, and accessing the providers of human services and the human services offered by the providers; and

(C) tracks types of calls referred and received to document the demands for services.

(3) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. __2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title, $75,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2012.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations specified in subsection (a) shall remain available until expended.

AMENDMENT NO. 4943

Mrs. CLINTON. Madam President, I ask unanimous consent to temporarily set aside the pending amendment to call up an amendment.

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

Mrs. CLINTON. I ask unanimous consent to call up Senate amendment 4943.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 4943.

Mrs. CLINTON. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To fund additional research to improve the detection of explosive materials at airport security checkpoints)

At the end, insert the following:

TITLE V—AIRPORT SECURITY

SEC. 501. AVIATION RESEARCH AND DEVELOPMENT FOR EXPLOSIVE DETECTION.

(a) ADVANCED EXPLOSIVES DETECTION SYSTEMS.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of the Transportation Security Administration, and in consultation with the Secretary of Transportation, shall, in carrying out research and development on the detection of explosive materials at airport security checkpoints, focus on the detection of explosive materials, including liquid explosives, in a manner that—

(1) improves the ability of airport security technologies to determine which items could—

(A) threaten safety;

(B) be used as an explosive; or

(C) assembled into an explosive device; and

(2) results in the development of an advanced screening technology that incorporates existing technologies into a single screening system.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(A) $200,000,000 for fiscal year 2008; and

(B) $250,000,000 for fiscal year 2009.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

AMENDMENT NO. 4958

Mrs. CLINTON. I ask unanimous consent that the pending amendment be temporarily set aside, and I call up amendment No. 4958.

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

The bill clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself and Mr. SCHUMER, proposes an amendment numbered 4958.

Mrs. CLINTON. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish a grant program for individuals still suffering health effects as a result of the September 11, 2001, attacks in New York City)

At the appropriate place, insert the following:

SEC. ___. GRANTS FOR 9/11-RELATED HEALTH CARE.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the Director of the Centers for Disease Control and Prevention, shall award grants to eligible entities to provide medical and mental health monitoring, tracking, and treatment to individuals whose health has been directly impacted as a result of the attacks on New York City on September 11, 2001.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), an entity shall—

(A) be an entity—

(i) that serves individuals described in subsection (a), including entities providing baseline and follow-up screening, clinical examinations, or long-term medical or mental health monitoring, analysis, or treatment to such individuals such as the Mount Sinai Center for Occupational and Environmental Medicine of New York City, the New York City Fire Department's Bureau of Health Services and Counseling Services Unit, the New York City Police Foundation's Project COPE, the Police Organization Providing Peer Assistance of New York City, and the New York City Department of Health and Mental Hygiene's World Trade Center Health Registry; or

(ii) an entity not described in clause (i) that provides similar services to the individuals described in such clause; and

(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) ELIGIBLE INDIVIDUALS.—Individuals eligible to receive assistance from an entity under a grant under this section shall include firefighters, police officers, paramedics, workers, volunteers, residents, and any other individual who worked at Ground Zero or Fresh Kills, or who lived or worked in the vicinity of such areas, and whose health has deteriorated as a result of the attacks described in subsection (a).

(c) PRIORITY IN AWARDING ASSISTANCE.—An eligible entity that receives a grant under this section shall use amounts provided under such grant to provide assistance to individuals in the following order of priority:

(1) Individuals who are not covered under health insurance coverage.

(2) Individuals who need health care assistance beyond what their health insurance coverage provides.

(3) Individuals with insufficient health care insurance coverage.

(4) Individuals who are in need of health care coverage and who are not described in any of paragraphs (1) through (3).

(d) REPORT.—Not later than 30 days after the date of enactment of this Act, and monthly thereafter, the Director of the Centers for Disease Control and Prevention shall submit to the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, a report on the use of funds under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $1,914,000,000 for fiscal years 2007 through 2011.

(2) STAFF AND ADMINISTRATION.—The Secretary may use not to exceed $10,000,000 of the amount appropriated under paragraph (1) for staffing and administrative expenses related to the implementation of this section.

(3) USE OF OTHER FUNDS.—The Secretary may use any funds appropriated to the Department of Health and Human Services, or any other funds specifically designated, to carry out this section.

Mrs. CLINTON. I ask unanimous consent to add Senator SCHUMER as a cosponsor to 4958.

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

Mrs. CLINTON. At this time, I ask that we return to the regular order. I am going to yield 2 minutes to Senator KERRY and then reclaim the remainder of the time set aside for me on the Democratic side with unanimous consent.

Mr. STEVENS. I object. Just a minute. We do not want to have a whole schedule here through one Senator having the floor.

What amendment is now pending before the Senate?

The PRESIDING OFFICER. The Schumer amendment. The amendment numbered 4930 is now pending.

Mr. STEVENS. Is the Senator from New York yielding time on Senator SCHUMER's amendment?

Mrs. CLINTON. I ask unanimous consent to set aside Senator SCHUMER's amendment and return to the regular order.

Mr. STEVENS. What is the request for time limitation on this amendment?

The PRESIDING OFFICER. The Schumer amendment is the regular order. There is no time agreement on this amendment.

Mr. STEVENS. I am not objecting to her setting aside the Schumer amendment. She has made a request beyond that for a limitation of time on some amendment.

Mrs. CLINTON. Madam President, I ask to speak on amendment 4958, which I ask to be pending at this time. The Senator from Massachusetts asked for a 2-minute timeframe. I was trying to accommodate the Senator. I had been told by our side I would have 20 minutes to speak on amendment No. 4958.

Mrs. MURRAY. Madam President, if I could clarify for the Senate, on our side, what we would like to be able to do over the next half hour, Senator KERRY of Massachusetts would like 2 minutes, the Senator from New York would like 20 minutes, and we are willing to work with you in order to accommodate both those Senators.

Mr. STEVENS. I don't know who has the floor. I think the Senator from New York does.

Madam President, we are perfectly willing to enter into a time agreement on the Senator's amendment, but we want some allocated to this side, too. We would like to know what the request is for time.

Mrs. CLINTON. Madam President, could I ask unanimous consent that Senator KERRY be given 2 minutes and I follow with 20 minutes and then we go back to the other side with their procedure as to their speakers?

Mr. STEVENS. We have no objection to the Senator requesting time for herself and the Senator from Massachusetts. I just don't think it is right to have a time allocation without consideration of the Senators, that is all.

Ms. COLLINS. And without checking with the managers of the bill. We have a great number of Senators who are seeking to bring up their amendments or speak on the bill, and it would be helpful if the Senator from New York would work through the managers of the bill.

Mrs. CLINTON. Madam President, I spoke with the Senator from Washington who is managing the bill on our side. That was the direction I received from the Senator from Washington. I would like the record to reflect that I am following the direction of the manager of the bill on our side.

I hope we can move forward now with a unanimous consent order as to how we will proceed going forward.

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

The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from New York, and I thank the Senate.

Madam President, I would like to speak as in morning business.

(The remarks of Mr. KERRY are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER (Mr. DEMINT). The Senator's time has expired.

The Senator from New York.

AMENDMENT NO. 4958

Mrs. CLINTON. Mr. President, is the pending business before the Senate amendment No. 4958?

The PRESIDING OFFICER. That is the pending amendment.

Mrs. CLINTON. Thank you, Mr. President.

Mr. President, this amendment goes to the heart of our obligations to one

another with respect to homeland security. It arises out of the attacks of 9/11, the extraordinary physical damage that has been done to thousands and thousands of New Yorkers and other Americans because they responded to that disaster, because they worked in the area of Ground Zero, because they lived or volunteered there.

Each of us is marked in our own way by the events of 5 years ago. I need not recount them. We have just gone through a very painful anniversary of those attacks. My hope is we would not mark this 5-year anniversary merely by replayings and speeches and solemn readings of the names of the victims but that it would serve as a reminder of our unfinished business and a call to action on behalf of the service and sacrifice of first responders, workers, and volunteers who participated in the rescue and recovery at Ground Zero.

I have worked over the past 5 years to honor the memories of those who died, to take care of their families, and to help rebuild New York. I have fought for the funding that has generously been offered by the American people to support the economic recovery of downtown New York, building new buildings, helping to support small businesses, creating new transportation infrastructure to replace that which was obliterated. And I have worked to secure funding, starting in the fall of 2001, to monitor those who were affected by the exposure to the toxic gases and substances in the air as a result of the attacks and the implosion of the buildings.

I believe we have a moral obligation as a nation to take care of those who both took care of us and who attempted to return to their ordinary lives as a way of demonstrating solidarity and commitment, resilience and courage, in the face of the terrorist attacks.

There is much we have to do, which is why we are debating this bill about port security. But there is so much more than port security. Democrats offered a comprehensive amendment to this bill that contained the recommendations of many experts, including the 9/11 Commission. Sadly, it was unsuccessful. But that does not mean it was not merited. We cannot rest until we have a comprehensive, well-funded strategy to deal with the threats we face.

But I rise today to talk about a very specific issue. The toll of that fateful day goes beyond the families and friends and colleagues, the brave responders who saved 25,000 people in the greatest rescue mission in the history of the world. Their lives will always stand in our memory and in honor. But thousands of others rushed into that burning inferno. Thousands of others were there when that enormous, devastating cloud of death and destruction covered much of lower Manhattan, crossed the river to Brooklyn, crossed the river to New Jersey.

We have been working to understand the health implications for the people who breathed that air. That is why I fought to get money for a monitoring and screening program that was established, both at the fire department to take care of our firefighters and also at one of our great hospitals, Mount Sinai, to figure out what happened to everybody else.

The work that commenced from the moment the first plane hit was hazardous and difficult. For as long as 9 months, we had firefighters and police officers, trade and construction workers, other workers, volunteers, residents—we had probably at least 40,000 people coming and going and staying on that site. They worked and lived amidst the dust and the fog and the smog—a toxic mix of debris, smoke, and chemicals.

I first visited the site about 24 hours after the attacks. I was within blocks of the epicenter of the attack, and I could not see anything. But I could smell it. I could taste it. I could literally feel it. And as I watched that curtain of darkness part and the firefighters walking out, covered in black soot, dragging their fire axes, barely able to stand after being on duty for probably 24 hours, I had the first inkling that the damaging effects of 9/11 would last far beyond the actual attack.

Now, unfortunately, our Government officials in charge of making sure health and working conditions did not negatively impact our first responders sent mixed signals, at best. I would go further. They misled people. They said the air was safe. They made no effort to reach out and share the dangers that people knew were in this air.

It was not only people from New York who responded; it was people from all over the country. My colleague, Senator VOINOVICH from Ohio, and I have a bill that would set up a system for the President to carry out a program for the monitoring of the health and safety of first responders who are exposed to harmful substances as a result of the disaster, rather than reacting on ad hoc basis, as we have had to do in the wake of 9/11.

Because of what I witnessed firsthand, and what people started to tell me, the trademark World Trade Center cough appeared within days. People had trouble breathing. They had trouble swallowing. They were coughing. That is why I was so insistent upon getting $12 million to establish the World Trade Center Worker and Volunteer Medical Screening Program at Mount Sinai. We quickly realized they would need a lot more workers because thousands and thousands of people were signing up and coming. So we secured an additional $90 million, and we expanded the number of workers and volunteers, and that was in addition to what we did for the fire department, which ran its own program.

Well, last week, Mount Sinai released a report that confirmed our worst fears. It confirmed an earlier report of the New York City Fire Department study. Tens of thousands of firefighters and all the others who were there were not only exposed but were suffering from significant medical and mental health problems. We are seeing young men and women in the prime of their lives, who were in excellent physical health, experiencing asthma, bronchitis, persistent sinusitis, laryngitis. They are suffering from serious diseases, reactive airwave disease. Their lungs are collapsing. Their livers are polluted. In fact, we are now seeing the first deaths.

It is not enough to say we stand with the brave men and women who responded when we needed them. We have to do more. We appropriated $125 million. And after a year and a half of struggle, money that was meant to go for the workers' comp system—because so many of these people cannot work anymore. They are on disability. They are forced into retirement. And so many of them—about 40 percent of them—who were screened at Mount Sinai had no insurance, so they cannot even get the treatment which they now know they need.

We have met with the Secretary of Health and Human Services, who has promised to get the money released to begin treating these brave men and women. We have worked with Dr. John Howard, the Director of NIOSH, who has documented so many of the diseases and chronic conditions we have seen. But we have a long way to go, and we need to start now.

I cannot give you an exact amount of money that it will take to take care of these thousands of people, but we know it is going to be a lot more than the $75 million we are waiting to be released on October 1. That is why this amendment would authorize $1.9 billion in grants to begin the process of setting up the system and over the next 5 years implementing a system to take care of thousands of people who are getting sick and who are dying.

We had a bipartisan, bicameral hearing in New York City last week. One of the witnesses, Steve Cetrone, who is a Federal employee, sat before us—his skin yellowed from the disease of his liver, his memory shot, his lungs collapsing—and described in detail how his Government has let him down and left him behind.

If we do not take care of these people now and start putting up a system we can have in place for the next several years, we are going to betray a fundamental responsibility to those whom we salute whenever it is convenient, when it is political. But enough with that. They do not want our speeches; they do not want our flowery rhetoric; they want our help.

My amendment uses rough estimates of about $5,800 per individual per year to provide for the continuing monitoring, but, more importantly, to provide for the treatment of these individuals. These are the rough estimates, the best we have right now from the fire department and Mount Sinai.

But we already know there are people on lung transplant lists who were on that pile. We already know people who have been disabled are unable to work and therefore have no insurance any longer. We know there are those who have died because of these exposures.

Now, did everybody get sick? No. Will everybody who got sick die? No. Much of it depends upon where you were, what you were exposed to, what the intensity and the length of the exposure was. Some of it also depends upon your predisposition, your susceptibility, your genetic makeup.

But take the case of Detective James Zadroga, a 34-year-old detective who joined the NYPD in 1992.

He did not smoke. He had no known history of asthma. He was an exemplary New York PD detective, the kind they make TV shows about, someone with a shelf full of commendations, who put himself in harm's way time and time again to protect the people of New York. I spent time with his father Joseph, a retired police chief. You will hear about the 450 hours that this decorated detective spent working on recovery efforts on the pile at Ground Zero in 2001. It filled his lungs with fiberglass, with pulverized concrete, and other toxic chemicals that destroyed his lungs. The stress and strain of his deteriorating physical condition was followed by the death of his wife, leaving him responsible for his 2-year-old daughter. He died on the floor of his bedroom with his little girl trying to wake him.

I know this is an authorization bill, and I know that it doesn't appropriate money, but it does something equally important: it sets a marker, makes a statement, and it takes all of the words and claims of concern and puts them into action. It says we are not only with you in word and deed, but we will not abandon you in your time of need.

If, as we hear, September 11 was a day that changed our Nation forever, and it is one that Americans will always remember, then let's not lose sight of its lessons. Let's finally heed the recommendations of the 9/11 Commission by fully implementing them. Let's do everything we can to make our bridges, tunnels, transit systems, rail lines, our entire infrastructure as safe as possible; otherwise, we are going to have a lot of autopsy reports like we had for James Zadroga. We are going to read about the deaths and disability of thousands of our bravest, most courageous men and women. We are going to see construction workers who, before 9/11, could lift three times their body weight in steel and do whatever was necessary to construct those skyscrapers but are now bent over in pain, unable to breathe and sleep. I don't think that is what we want as our legacy as a Nation coming out of 9/11.

This country has been supportive of New York, and I am extremely grateful. But we were on the end of the spear when it came to absorbing the attack and reacting. Now we have to continue to keep faith with those who did our country proud in the hours, days, weeks, and months following that horrific attack on our Nation.

Mr. President, I ask for the consideration of this amendment to honor those who honored us and to create a system to make sure that they do not go without care, that they get the treatment they need, that their life can be saved and prolonged, that we don't lose any more like that 34-year-old detective. In his autopsy report, the pathologist said:

> It is felt with a reasonable degree of medical certainty that the cause of death in this case was directly related to the 9/11 incident.

Let's not have any more victims of the terrorists. Let's not let bin Laden and al-Qaida claim any more Americans who die as a result of their evil attack on us. Let's band together and support those who need us in their hour. I hope we can make such a statement with this amendment today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, the reports recently released by the Mount Sinai Center did reveal disturbing news about the long-term health effects suffered by those working in recovery efforts after September 11. It is very disturbing because, clearly, we should make every effort to respond to and monitor the health problems of those who were at or near Ground Zero on that day—the heroes who risked their own lives and, apparently, their long-term health by rushing in to rescue others.

This amendment would direct the Secretary of HHS, acting through the Director of the Centers for Disease Control and Prevention, to award grants to entities to provide medical and mental health monitoring, tracking, and treatment to individuals whose health has been directly affected as a result of the attacks on New York City on September 11.

I do have some questions about the amendment, however. For one—and I see the sponsors otherwise engaged, but I am going to pose the question anyway. Again, I am very sympathetic. I think we have an obligation to those rescue workers, firefighters, emergency medical personnel, police officers, and others who risked their own lives and health to respond to the needs of others.

I am concerned that the amendment only applies to those first responders in New York City. There may well be health impacts that were suffered by the rescue workers, firefighters, police officers, and others who responded to the Pentagon. I am concerned that the Senator limits the nearly $2 billion in funding to only New York, and that doesn't seem fair to me. It seems to me that it should apply to both jurisdictions. I don't know whether there were similar problems in Pennsylvania, as well, but it seems to me it should be broader.

Mrs. CLINTON. Mr. President, may I respond to the Senator?

Ms. COLLINS. I am happy to yield to the Senator from New York to respond to the question.

Mrs. CLINTON. I greatly appreciate the Senator's awareness and commitment to doing something to help those who were affected. Certainly, from her position as chair of the Homeland Security Committee, she knows as much or more about these issues than any one of us. I appreciate greatly the suggestion that we include everyone. I make the following two additional points: Apparently, the rescue workers at the Pentagon were given respiratory equipment, given appropriate garb to wear, and were put into decontamination showers. They had the kind of worksite I wish we had had after a couple of days when the emergency immediately passed. So I wish we had that at Ground Zero. If there are those suffering from ill effects, I completely agree with the Senator. That is one of the reasons Senator VOINOVICH and I have joined together to try to expand the ability to treat first responders who come from anywhere. He had a rescue unit that went back to Ohio and they are sick.

The final point in response to the Senator's question is, our issue in New York is somewhat complicated by the fact that the EPA, under then-Administrator Christine Todd Whitman, consistently stated that the air was safe, told the city, the State, and the workers that, and that there was no effort made to try to even obtain the respiratory equipment and other protective coverings the workers might have needed. I agree that we should not leave any of our responders behind, no matter where they came from or who they are.

Ms. COLLINS. Mr. President, I appreciate the comments of the Senator from New York. The conditions in New York, as far as respiratory equipment, may have been different. But I have worked closely with Senator VOINOVICH on his broader bill. We reported it from the Homeland Security Committee. He offered it today as an amendment. I hope, perhaps, we can have a meeting of the minds on what is a real problem. We do not want those who were so brave that horrible day to not receive assistance, care, and monitoring for health problems associated with their bravery, regardless of which environment they were in.

The second issue I have to raise is the extent of the resources that will be needed to deal with this issue. I don't know the basis for the nearly $2 billion authorization that the Senator has come up with, so I cannot comment on it.

That leads me to my third point, which is the way the Senator has drafted this amendment, directing the Secretary of HHS, through the Director of the CDC, to allocate the funds. That means it is not in the jurisdiction of the Homeland Security Committee, or

even the Commerce Committee or Finance Committee. It is in the jurisdiction of the HELP Committee. So I have asked staff to notify the HELP Committee of this amendment so that they have an opportunity to review it.

With that, let me again repeat that I think the Senator from New York has identified a real problem. It is not germane to the underlying port security bill, but it is an urgent and real problem. It is in another committee's jurisdiction. We have a different approach that the Homeland Security Committee has taken in working with Senator VOINOVICH because this even goes beyond 9/11.

I know the Senator from New York has also worked with Senator VOINOVICH on his amendment, which is under the Homeland Security Committee's jurisdiction. So I suggest that we get some input from Senator ENZI and Senator KENNEDY, since they are the committee of jurisdiction.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I rise to speak in strong favor of the amendment offered by the Senator from New York. I have listened carefully to the reasons the other side is objecting. At this stage, it sounds as if they are objecting. I hope they will accept this amendment.

Ms. COLLINS. Will the Senator yield?

Mrs. BOXER. Yes.

Ms. COLLINS. There is not necessarily an objection. I don't know because it is not under the jurisdiction of the committee that I am privileged to chair. So I don't want to prejudge whether there is an objection from the HELP Committee or not because I don't know. I have saluted the Senator from New York for bringing a very real problem to our attention, although I wish it were on a different bill. I wish we would move the Voinovich bill separately, which has been on the calendar for a long time. I don't know that there is an objection on this side.

Mrs. CLINTON. A point of clarification, Mr. President. I believe the amendment builds on the World Trade Center monitoring program which did go through Homeland Security. That may not be the best way to proceed in the future, but that is an existing structure.

I absolutely agree with the Senator from Maine that the Voinovich bill will give us an opportunity to avoid these problems in the future, which has to be one of our primary goals.

I thank the Chair.

Mrs. BOXER. Mr. President, I am glad that I said what I did because maybe we have a chance to see this amendment get a favorable response in the Senate. It is true that this is broader than a port security bill, but so was Senator MCCAIN's amendment and Senator SHELBY's amendment. We are broadening this bill because I believe this is our last opportunity to address the issue of homeland defense.

This is a great opportunity to look back at what we have done right and what we have done wrong. And one of the things that was wrong was when Christie Todd Whitman, then head of the Environmental Protection Agency, came before my committee, the Environment Committee, and said the air was safe. She said the air was safe. People were down there at that site. The Senators from New York, Senator CLINTON and Senator SCHUMER, know best how people are suffering, but I can tell you, in California, when we had fierce fires and we had horrible problems that befell our first responders, I wrote a bill. At that time, we could not get a bill through that said that these first responders, these bravest of the brave, deserve to have health care. Many of them were working part time and didn't have health benefits. Many of them lost their jobs and lost their health benefits. That is what is happening to those who worked at the World Trade Center site.

Senator COLLINS makes some good points about jurisdiction, but I don't think the families who are seeing their loved ones wheeze and cough—and one I just read about died literally holding the hand of his 4-year-old—care that this bill before us is about the Department of Homeland Security but the amendment deals with the first responders through another agency. That is why politicians get such bad names sometimes, because we come up with the craziest reasons for saying we can't support something. I am encouraged that Senator COLLINS said not necessarily, that she may, in fact, support this bill.

Words are cheap. We can say anything we want; it is free. But if you mean what you say, that the first responders are heroes, if you mean what you say when you say they should be lauded, remembered, their families protected, and all the rest, then do something about it.

I am so pleased that the Senator from New York has given this Senate a chance to say thank you and to say we are sorry because some of the people were told the air was fine when it wasn't.

I hope we will stand up and be counted. As I said earlier today, I am so glad we have the subject of homeland defense before this Senate. It comes in the form of a port security bill that Senators COLLINS and MURRAY worked on and on which many members of the Commerce Committee and other committees have also worked.

This is a good bill, but we can't leave here thinking that because we did a port security bill, we have addressed the issue of homeland security and all the ramifications that followed from 9/11. We are making this bill better. We are making it more like the Reid amendment. We are going after rail security. We are going after transit security. And now with the Clinton amendment, we have a chance to help those who deserve to be helped—the heroes of 9/11.

We were just reminded—we saw the scenes, we saw their selflessness, and this is a chance for everyone who spoke about them to cast a ''yea'' vote for them. That is an opportunity we should not miss today.

Again, my thanks go to the Senator from New York and my colleagues for allowing debate on this very important amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Clinton amendment is the pending amendment.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order for as long as I may consume, not to exceed 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia is recognized.

IRAQ

Mr. BYRD. Mr. President, September 11 has come and gone, and as we remember those who were lost, those lives that were lost on that awful day, that fateful day, and contemplate events since the horrific attack, one truth stands out: The war in Iraq has backfired, producing more recruits for terrorism and deep divisions within even our own country. It is a war we should never have begun.

The detour from our attack on bin Laden and his minions hiding in the cracks and crevices of the rough terrain of Afghanistan, to the unwise and unprovoked attack on Iraq, has been a disastrous one.

Mr. Bush's war has damaged the country because he drove our blessed land into an unnecessary conflict, utterly misreading the consequences, with the result now being a daily display of America's vulnerabilities to those who wish us ill. The United States is a weaker power now, especially in the Middle East but also in the court of world opinion. Where, where, where is the America of restraint? Where is the America of peace and of inspiration to millions? Where is the America respected not only for her military might but also for her powerful—her powerful—ideas and her reasonable diplomacy?

Our country may have deviated occasionally from its positive global image in the past, but Abu Ghraib, the body snatching for torture, euphemistically called rendition, Presidential directives which unilaterally altered conditions of the Geneva Conventions—these

are not the stuff of mere slight deviations from the America of peacefulness, the America of fairness, and the America of goodwill. These are major policy and attitudinal changes of tsunami-sized proportions—tsunami-sized proportions. Our friends shake their heads in disbelief. Our enemies nod wisely and claim they knew all the while. I cannot remember a time in our history when our elected leaders have failed the people so completely, and yet, so far, are not held accountable for costly misjudgments and outright deceptions.

Take our Secretary of Defense, Donald Rumsfeld, for example. He misread the Iraqi situation completely and entirely. He adamantly dismisses suggestions for a larger force in Iraq. He failed to object when the White House's Coalition Provisional Authority disbanded the Iraqi Army, only to have them go underground and provide fodder for the insurgency. Yes, he insisted that the Iraqi people would view our soldiers as liberators, not occupiers, and even failed to properly anticipate the equipment needs of our men and women in harm's way. Who am I talking about? Defense Secretary Rumsfeld.

He continues to insist that we are not facing a civil war in Iraq, despite convincing evidence to the contrary. Yet he sits comfortably in his office as the echo of his errors in judgment and strategy continue to cost thousands of lives—thousands of lives.

Then there is President Bush and Vice President DICK CHENEY. These men continue to try to make the American public swallow whole the line that the war in Iraq is the frontline of a global war on terror which must be continued at all costs. Stay the course, they say, stay the course despite 3 years of discouragingly little progress in Iraq. The body count is approaching 2,700 for our side, tens of thousands for the beleaguered Iraqi people. We ought to think of them, too. Tens of thousands of men, women, and children, the Iraqi people, and billions—billions, I say—billions of American tax dollars of which an embarrassingly large chunk has been wasted by irresponsible contractors and Government officials who lack the proper respect for the public purse. Many of our allies have left the field, recognizing the truth that the administration fails to see; namely, we had the weapons to win the war but not the wisdom to secure the peace.

Yet too many in the public are utterly complacent about the numerous violations of the public trust and the continuing loss of human life in Iraq. Some of our citizens have apparently been convinced that it is unpatriotic to criticize one's country when that country is engaged in an armed conflict. In fact, in our land today, there is a troubling tolerance for Government overreaching on fronts at home as well as abroad. This administration has repeatedly used fear and flag-waving to blunt the traditional American insistence on the Bill of Rights: personal freedom of thought and action, privacy, and one's right to speak and write as one pleases. Such a cynical exercise on the part of high officials of our Government is unconscionable. It is shameful behavior for which there is no excuse—no excuse, none.

The Congress, under the control of the President's party, has been submissive—submissive, a lap dog wagging its tail in appreciation of White House secrecy and deception. Yes, a lap dog Congress. Yes, we. Even the vast majority of the opposition party has been too quiet for too long, unable to find its voice, stunted by the demand to support the troops. We forget too often that there is a very real difference between support for the troops and support for an unnecessary war. The men and women of our military did not ask to go—no, they didn't ask to go to those faraway places, but they were willing. They went. They answered their country's call. We have an obligation to support them, but we do not need to follow blindly the unthinking policies that keep them mired in a country that is in the middle of a civil war.

The American public is our last best hope now. You out there who are watching through those lenses, you are our last great hope, the American people. Our people must demand more from their representatives—from me, for one—their representatives in Congress, and from their leaders in the White House. Donald Rumsfeld should be replaced by the President because he has made so many grievous errors in judgment on Iraq and because a new voice—hear me now—a new voice at the helm at the Department of Defense could be a breath of fresh air—fresh air—yes, fresh air for our policies in Iraq. Mr. Rumsfeld's replacement would be good—good—for our country. Yet even a sense-of-the-Senate vote of no confidence in Mr. Rumsfeld's leadership has been blocked by the President's party in the Senate. Personal accountability has been long absent from this administration, and I would like to see it returned.

One would hope that men and women who rise to positions of awesome responsibility would have the grace, the dignity, and the honor to know in their own hearts when a well-timed resignation would advance patriotic goals. But too often, the selfish love of power or some misguided show of toughness wins the day to the detriment of our country's fortunes. Donald Rumsfeld ought to step down or his President, Mr. Bush, ought to ask him to step down. There is too much at stake for any other course.

Personally, I believe the President is being derelict in his duties if he does not ask for Mr. Rumsfeld's latchkey. The bungling and the loss of life attendant to this tragic—this tragic—3-year-long debacle in Iraq have hurt this country, hurt its public image, and hurt its ability to achieve numerous other national and international goals. That kind of dangerous ineptitude should not be excused. It should not be excused. But like so many things, when it comes to Iraq and the Middle East in general, the United States of America is stuck in neutral, with the only thing showing vigorous movement—the ever-spiraling price of gasoline. We have destabilized the Middle East and handed the Mullahs a way to affect the daily lives and livelihood of every American, and the efficacy of our military might: the oil supply lines upon which our own economy and our own military depend.

Now that oil supply is the favorite target for terrorists who have learned the joys of bombing pipelines and listening to America bite its nails about the high cost of gasoline while it laments its lack of foresight in developing alternative fuels.

Now we have passed yet another anniversary of the bloody attacks which precipitated the disastrous situation in which our country finds itself today. Yet while we mourn, there are hard truths to confront. Our attention has been shifted by design and deception too quickly from the war in Afghanistan, a war that we needed to fight, a war that we needed to win. Now the Taliban is on the rise in that country. Al-Qaida continues to find sanctuary in the mountains, violence is on the rise, and peace and stability are in jeopardy.

North Korea, probably reacting to our doctrine of preemption—a very unconstitutional-on-its-face doctrine—North Korea, probably reacting to our doctrine of preemption and our newfound bellicosity, has increased its nuclear capability. Iran has been emboldened by our inability to stop the violence in Iraq and by the lukewarm support that we have garnered from traditional allies. Even the people of Turkey—even the people of Turkey, one of the United States's staunchest allies, Turkey, a member of NATO, and a model, yes, a model of secular Muslim democracy—have turned against us.

A survey, conducted by the German Marshall Fund of the United States, indicates that Iran has become one of the most popular countries in Turkey and that there is a growing willingness to identify with radical Islam. A display of ineptitude and spectacular miscalculation in Iraq has cost us dearly. Disenchantment at home with the dismal results in Iraq will have reverberations for years, much like the failure in Vietnam did in the 1960s.

President Bush insists that his war must go on. He defends warrantless wiretapping of our own citizens as essential to his cause, despite a Court decision that the President has no such authority under our Constitution—our Constitution, this Constitution. He defends torture and rendition and says that they have produced valuable evidence which has subverted several terror attacks on our country. But his

credibility is so damaged that it is difficult to believe him. He demands the authority to hold terror suspects indefinitely and then to try them using military tribunals which deny basic rights, also in defiance of a Supreme Court ruling. He seems convinced that he can win a global war on terror despite the demonstrated failure of his policies of unilateralism, militarism, overheated rhetoric, and a pathological dislike of diplomacy.

So it is up to the Congress—up to us, the Congress, the people's branch—to change course and to stop the heinous raiding of constitutionally protected liberties by a White House which does not fully appreciate the true meaning of the word liberty, the true meaning of the word freedom.

My fellow Senators, I hope that we may find the courage.

I yield the floor.

AMENDMENT NO. 4975

The PRESIDING OFFICER (Mr. SUNUNU). Under the previous order, there will now be 4 minutes of debate equally divided on the motion to table the Biden amendment.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I would like to take 1 minute and reserve 1 minute. I make this motion to table because I believe this amendment is so comprehensive, it really doesn't belong on this bill. The concept of the funding for the activities recommended by the Biden amendment is the amendment mandates the committee to bring out a bill to provide the funding. It would be an increase of $32.8 billion for the Homeland Security Department; that is a 19-percent increase over the amount that has already been allocated. We do not need that. This is not the place to consider that, anyway. This deals with restoring the cuts that have taken place in law enforcement areas. It is looking at liquid explosives and hazardous materials concepts. It has a whole series of things in here that deal with funding—money for more FBI agents, more money for Justice Assistance grants, more money for Customs agents. A whole series of things are involved. It is two pages long.

The money that would be authorized by the funds that the Biden amendment would mandate we provide under the appropriate procedures.

Being essentially a sense-of-the-Senate resolution, it is difficult to deal with, but that kind of resolution becomes a mandate in the next year.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Parliamentary inquiry, Mr. President. What happens if the Senator does not arrive and the time comes?

The PRESIDING OFFICER. There remains approximately 20 seconds in opposition to the motion.

Mr. STEVENS. Let me use the remainder of my other minute, then.

I point out to the Senate that this amendment would create a new trust fund, and into that trust fund would go the moneys that would come from the mandate to the Finance Committee to reduce the scheduled and existing income tax reductions enacted since the taxable year 2001 with respect to what taxpayers earn in excess of $1 million a year. That is a laudable thing, but this is not just a sense-of-the-Senate resolution; it is a mandate to the Senate to do this.

The PRESIDING OFFICER. All time for debate has expired.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

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

Under the previous order, the question occurs on the motion to table the Biden amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

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

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—57

Alexander	DeMint	McCain
Allard	DeWine	McConnell
Allen	Dole	Murkowski
Baucus	Domenici	Nelson (NE)
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burns	Grassley	Smith
Burr	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Isakson	Thomas
Conrad	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Voinovich
Crapo	Martinez	Warner

NAYS—41

Bayh	Harkin	Mikulski
Biden	Inouye	Murray
Bingaman	Jeffords	Nelson (FL)
Boxer	Johnson	Obama
Byrd	Kennedy	Pryor
Cantwell	Kerry	Reed
Carper	Kohl	Reid
Clinton	Landrieu	Rockefeller
Dayton	Lautenberg	Salazar
Dodd	Leahy	Sarbanes
Dorgan	Levin	Schumer
Durbin	Lieberman	Stabenow
Feingold	Lincoln	Wyden
Feinstein	Menendez	

NOT VOTING—2

Akaka	Chafee

The motion was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

SENATOR BAUCUS'S 10,000TH VOTE

Mr. REID. Mr. President, with this last vote, the senior Senator from Montana, MAX BAUCUS, casts his 10,000th vote. He has entered into very good company having cast his 10,000th vote. Senator SARBANES, Senator LUGAR, and Senator HATCH are in the company with him.

I applaud and congratulate my friend, MAX BAUCUS. He has served a lifetime representing the people of the State of Montana. He was elected to the Montana State Legislature in 1973, the House of Representatives of the United States the next year, in 1978 elected to the Senate. He has a compelling background. He was raised on a ranch near Helena, MT.

One of the fascinating things that speaks of Senator BAUCUS's personality, he did not know as a young man what he wanted to do. So to get his thoughts together and his head on straight, as he said, he decided he would travel the world. And he did that, by himself, hitchhiking and catching rides, and when he had a few dollars, he would catch some type of public transportation. He traveled the world over. He got very sick on an occasion or two drinking water that was not like water in Helena, MT.

I repeat, it speaks of who MAX BAUCUS is. He has an outstanding education. He was educated in one of the finest university's in the world, Stanford, for both his undergraduate work and for his law degree.

When I was elected to the Senate, the first person to reach out to me socially was MAX BAUCUS. He invited me to his home, where I met his lovely wife Wanda. Now, in the years since, because of our Senate schedules being as busy as they are, we have not done a lot of things socially. I speak to Wanda a lot on the telephone, trying to find Senator BAUCUS. She is, to me, a fascinating woman—whether she is doing her painting or writing a book, she is always doing something intriguing. They have a wonderful son Zeno.

We all shared in the tragedy that occurred in Senator BAUCUS's life during the past few weeks when his nephew—who to Senator BAUCUS was like a son—United States Marine Corpsman Phillip Baucus, was killed in Iraq serving our country.

I am almost embarrassed to talk about MAX's athletic accomplishments because mine so pale in comparison. I always feel kind of good about the fact that I have run a lot of marathons. Marathons are nothing for MAX BAUCUS. He has run 50-mile races, 100-mile races. Remember, a marathon is only a little over 26 miles. But in one race, he has run four times the marathon that I and others run.

Senator BAUCUS has been chairman of the Environment and Public Works Committee, chairman of the Committee on Finance, ranking member now. He set a great example to me as I

was then a junior member of the Environment and Public Works Committee on the first highway transportation bill, working with him and Senator Moynihan.

One of the things I recognize with Senator BAUCUS is he has been a great leader for our caucus and the Senate, from Social Security to the economy. Generally, we look to him for guidance.

One of the things I also appreciate and admire in Senator BAUCUS is the working relationship that he has with Senator GRASSLEY. They do not always agree on issues, but they have a real partnership in that Committee on Finance. I think they set an example for what all Senators should do, and certainly all chairman and ranking members. I so appreciate their working together. I repeat, they do not always agree, but they never are disagreeable in their disagreements.

I know I speak for all Montanans, and I know I speak for all Democratic Senators, and I am sure Republican Senators, in expressing our admiration and respect for Senator BAUCUS in casting his 10,000th vote.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, if I could follow on in the same vein in order to associate myself with the remarks of the distinguished Democratic leader, knowing Senator BAUCUS, I bet he is so busy that he probably didn't even realize he was casting his 10,000th vote. I know it is a very major accomplishment; very few Members do that.

I congratulate him. That signifies a lot of hard work in and of itself, but I think of the really hard work that Senator BAUCUS does working as a member of the Senate Committee on Finance—sometimes as chairman, sometimes as ranking member—and, more importantly, not just working hard but working in a cooperative way to get things done.

I honor him. I didn't know anything about it. I am glad to hear about it. He should be recognized, and I thank him for the cooperation he has given to me over the years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I thank my friend from Iowa. I thank all my friends, especially Senator REID and Senator GRASSLEY. I had no idea I cast 10,000 votes until someone said it was the 10,000th about 15 minutes ago.

I have several thoughts. No. 1, it is such a privilege to represent the State of Montana. I have 900,000 of the world's best bosses. You could not ask for better employers than the people of the State of Montana. I am so grateful to have the privilege to serve my 900,000 constituents.

Second, I am reminded a little bit of years past. There have been very great Senators serving this body, a time when there was more agreement, more bipartisanship. It was not quite as partisan as it is today. I hope over the next 1,000 votes, or however many are cast, we move to a time of more bipartisanship; that we do work together.

Senator GRASSLEY and I are very lucky to work closely together. I am honored to work with him. There have been a lot of major votes I am proud of. There are a couple, as I look back, I wish I had not cast. But that's life. We do the very best we can, and most of us do a pretty good job.

I thank my friends. I thank my colleagues. I thank everyone else who is part of the larger Senate for all that you do. It means a lot to me.

Mr. NELSON of Florida. Before I call up an amendment, I will say a word about Senator BAUCUS. It is a measure of the man in times of tragedy how one will stand tall and be a healing force among the bereaved. In this terrible tragedy his family has had, the son of his brother being killed in Iraq, Senator BAUCUS was able to bring comfort to his family, and particularly to his brother, by going to the Air Force Base and receiving the body of his nephew and then escorting the coffin all the way to Montana, and returning that body, as the Good Book says, from dust to dust.

I want to add my personal comments of appreciation for the life of Senator BAUCUS and especially for his public service.

AMENDMENT NO. 4968

Mr. President, I call up amendment No. 4968.

The PRESIDING OFFICER. The pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 4968.

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

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

The amendment is as follows:

(Purpose: To require the Department of Homeland Security provide Congress with a strategy for deploying radiation detection capabilities to all United States ports of entry)

On page 27, between lines 20 and 21, insert the following:

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

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

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

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

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

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

Mr. NELSON of Florida. Mr. President, the 9/11 Commission Report said:

[O]pportunities for terrorists to do us harm are as great—or greater—in our shipping ports as they are in commercial aviation.

We have done a pretty good job in tightening up the security of our airports but not so in our seaports. That is the purpose of this whole bill on port security.

A respected policy center that studies terrorism looked at what would happen if a 10-kiloton bomb was detonated in a seaport—in this particular simulation, the Port of Long Beach, CA. They pointed out that 60,000 people would die instantly, and another 150,000 would suffer radiation poisoning, and some 2 to 3 million people would have to be relocated as a result of the contaminated land. Of course, the cost to our Nation's economy would be enormous—about $1 trillion under that scenario.

Most experts agree that our ports are not only vulnerable but also the damage resulting from an attack could be catastrophic. Where are most of the ports located? Mostly, they are snuggled up to, close to, a downtown, a highly dense urban community.

The State I represent, Florida, is home to 14 deepwater ports, so we have the task we are trying to address in this bill of protecting these ports and protecting the peace and security of our people.

The outcome of this fight has very broad implications for our country. All of our Nation's 88 ports that handle cargo containers still remain vulnerable. Only—we are estimating—6 percent of all the cargo coming into these ports is fully inspected.

Our own Department of Homeland Security says three out of four American ports do not have the equipment to screen for nuclear weapons or for a dirty bomb, which is a conventional weapon designed to spread radioactive material. And the Congressional Budget Office says the President's proposed plan falls about $130 million short of what is needed to protect these ports.

I recall my former colleague from Florida, the former chairman of the Intelligence Committee, former Senator Bob Graham, recently warned that the increase in Federal spending was not enough to adequately protect ports. This former chairman of the Senate Intelligence Committee said that if he were a terrorist, he would know exactly how to go about wreaking havoc—he would head for a port with lax security and then do his dirty work.

In the legislation before us, we have taken a giant step in the right direction. We are proposing to secure 22 of our Nation's busiest container ports. But what about the other 66 domestic container ports? Shouldn't they receive the scrutiny? And shouldn't we protect the additional 273 secondary sea and river ports in the United States?

Certainly, we should. That is why I offer this amendment today, which will direct the Homeland Security Secretary to develop a strategy for the deployment of radiation detection capabilities at every U.S. port. I believe it is going to make all of us a little bit safer. There has been enough delay. Now it is time to do this. And we should do it right. So this legislation is the implementation of a program for the examination of containers for radiation at ports of entry described in the bill, not just the 22 major ports.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the port security legislation we are considering requires that radiation detection equipment be installed in the busiest 22 ports of entry by the end of next year. That would result in 98 percent of all cargo coming into this country being screened for radiation or radiological devices.

The Senator's amendment raises the question of, What about those smaller ports? Doesn't this invite, for example, terrorists, knowing they will be screened at the 22 largest ports, to instead divert dangerous cargo to a small port?

The Department of Homeland Security wants to make sure it has flexibility to do, perhaps, handheld devices for screening rather than the expensive, large radiation portal monitors that are at big ports, such as Seattle.

I would pose a question, through the Chair, to the Senator from Florida, whether there is anything in his amendment that speaks to the type of equipment that must be installed, because obviously, if you have a very small port that only gets a couple of cargo ships per year, it may not make sense to invest in radiation portal monitors, but it may make sense to, instead, assume that the Customs and Border Patrol agents are equipped with handheld screening devices, which still screen.

So I would ask, through the Chair, my colleague from Florida whether his amendment, as I read it, gives flexibility to the Department as to the types of equipment, in keeping with the fact there are different needs and different volumes?

The PRESIDING OFFICER. Without objection, the Senator from Florida will be given the opportunity to reply.

Mr. NELSON of Florida. Well, indeed, thank you, Mr. President.

The Senator from Maine is exactly correct. There is the flexibility in the amendment for the Department to make that determination because it is specifying the implementation of a program for examination of containers for radiation at ports of entry.

Ms. COLLINS. Mr. President, I thank the Senator from Florida for his clarification.

With that understanding, I am pleased to recommend that the Senate adopt his amendment.

I yield to the Democratic manager of the bill to see if we could clear this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we have cleared this amendment on the Democratic side, and we are happy to move forward with its adoption right now.

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

The amendment (No. 4968) was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Is there objection? Is there objection to setting aside the pending amendment?

The Senator from Maine.

Ms. COLLINS. Mr. President, we have had a lot of amendments offered on the Democratic side, and there are Republican Senators who are eager to come to the floor—Senator COBURN, Senator DEMINT, Senator VOINOVICH—to complete the action on their amendments. I thought we had an understanding that we were going back and forth, but instead we seem to be doing Democratic amendment after Democratic amendment after Democratic amendment. So until I get some clarification on how we are going to proceed, I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I totally understand the concerns of the Senator from Maine. I just would like to request—we only have one Senator on our side at this time who wants to bring up an amendment, and there are no Republicans here at this time. He is the only one I am aware of right now who is here in the Chamber ready to go. If it would not be objectionable, if it would be all right that he could just offer his amendment, he just wants to call it up.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, it would be helpful if the Democratic manager of the bill or the sponsor of the amendment gave us some idea as to the subject of the amendment and whether the Senator from New Jersey is seeking a full debate on it or just wants to call it up briefly—or what his intentions are.

The Senator from New Jersey has an amendment that we are trying to put in a block of amendments to deal with the issue of scanning cargo. There are three such amendments that are pending: the amendment of the Senator from New York, Mr. SCHUMER; the amendment of the Senator from New Jersey; and the amendment of the Senator from Minnesota. I need more information about the Senator's intentions, given he has filed more than one amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I believe the Senator from New Jersey just wants to call up his amendment and speak for a few minutes, if I am not incorrect.

I say to the Senator from New Jersey, if you could just tell us—I believe it has been shared on both sides.

I say to the Senator from Maine, I know your staff has a copy of it.

But if the Senator could just explain his intentions.

The PRESIDING OFFICER. Without objection, the Senator from New Jersey.

Mr. MENENDEZ. Mr. President, my amendment is amendment No. 4999. It is to ultimately have a plan to move toward the scanning of cargo. I intend to speak for about 10 minutes on the amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, then I am going to have to object to the Senator proceeding at this time because we have proposed that all three amendments that deal with the scanning or screening of cargo be considered together, including the amendment of the Senator from New Jersey. If we can get an agreement where we could consider and debate all three amendments and then have three consecutive votes on those amendments, then I would not object. But if we cannot get that agreement, then I do object.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent that at 4 p.m. today, the Senate proceed to a vote in relation to the Coleman amendment No. 4982, to be followed by a vote in relation to the Menendez amendment No. 4999, with no amendment in order to either amendment prior to the vote; finally, that the time until the vote be equally divided between the two managers or their designees, and that there will be 2 minutes equally divided of debate prior to each vote.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, we have no objection to this agreement. I thank the manager for working through this with us.

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

Who yields time?

Mrs. MURRAY. Mr. President, I yield time to the Senator from New Jersey.

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

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 4999

Mr. MENENDEZ. I ask unanimous consent that amendment No. 4999 be called up at this time.

The PRESIDING OFFICER. The clerk will report.

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 4999.

The PRESIDING OFFICER. I ask unanimous consent that reading of the amendment be dispensed with.

Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the security of cargo containers destined for the United States)

On page 30, between lines 8 and 9, insert the following:

SEC. 126. PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop an initial plan to scan—

(1) 100 percent of the cargo containers destined for the United States before such containers arrive in the United States; and

(2) cargo containers before such containers leave ports in the United States.

(b) PLAN CONTENTS.—The plan developed under this section shall include—

(1) specific annual benchmarks for—

(A) the percentage of cargo containers destined for the United States that are scanned at a foreign port; and

(B) the percentage of cargo containers originating in the United States and destined for a foreign port that are scanned in a port in the United States before leaving the United States;

(2) annual increases in the benchmarks described in paragraph (1) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States;

(3) a description of the consequences to be imposed on foreign ports or United States ports that do not meet the benchmarks described in paragraphs (1) and (2), which may include the loss of access to United States ports and fines;

(4) the use of existing programs, including CSI and C–TPAT, to reach annual benchmarks;

(5) the use of scanning equipment, personnel, and technology to reach the goal of 100 percent scanning of cargo containers.

On page 61, line 6, strike the period at the end and insert ''; and''.

On page 62, between lines 6 and 7, insert the following:

(5) an update of the initial 100 percent scanning plan based on lessons learned from the pilot program.

Mr. MENENDEZ. Mr. President, I thank my colleagues, Senator INOUYE, Senator MURRAY, and Senator COLLINS, for their work and attention to this critical subject. I am pleased to stand with them in trying to work to ensure that a concrete port security measure takes place that makes our Nation's ports safer than they are presently.

We have just commemorated the fifth anniversary of the September 11 attacks. I cannot think of a way in which we can learn from those lessons more than to finally come to an agreement on a strong, well-funded port security bill. For those of us who represent States such as mine, New Jersey, with the largest ports in the country, it is not a moment too soon. In fact, some would argue that it comes rather late in the game. I have to agree.

Five years after that tragic September day, nearly 4 years after Congress passed the Maritime Transportation Security Act, and 2 years after the September 11 Commission issued its report and its 41 recommendations, our Nation's busiest ports remain underfunded, understaffed, and overwhelmed. A myriad of new stories over the last week in the runup of the fifth anniversary of September 11 have consistently pointed to one irrefutable fact: our ports remain vulnerable to a terrorist attack. This is not news for some of us.

In December of 2001, I introduced a port security measure in the House of Representatives which sought to fully understand the vulnerabilities we face at all of our ports. I certainly hope this will move us along in that way. I urge, certainly, that we come to that conclusion.

Let's remember that an attack at our ports would not just hurt trade and commerce. Such an attack at a port would devastate surrounding communities. In August, the Rand Corporation released a report concluding that ''a nuclear explosion at the port of Long Beach could kill 60,000 people immediately, expose 150,000 more to radiation, and cause 10 times the economic loss of the September 11 attacks.''

In my State of New Jersey, the Elizabeth-Newark Port, the largest container seaport on the east coast, handled more than $132 billion in goods in 2005 and creates over 200,000 jobs. Imagine what would happen to the Nation—not just New York or New Jersey—if commerce were shut down in this port. Imagine the number of lives in that immediate region, one of the greatest concentrations of population in the Nation.

According to retired Coast Guard CDR Stephen Flynn, the cargo containers ''are a potential Trojan horse in the age of terrorism.'' He is right. Mr. Flynn pointed out that we are not keeping pace with the terrorists' capabilities. The threat continues to evolve. When we patched up one security hole, they found another gap, another vulnerability.

In December 2005, small undercover teams of investigators from the Government Accountability Office were able to carry small amounts of Cesium 137, a radioactive material used for medical and industrial purposes, in the trunks of rental cars in the States of Washington and Texas. The Washington Post reported that the radioactive materials did set off alarms, but GAO agents were able to use phony documents to persuade U.S. border guards and Customs officers to let them pass into the country.

As long as cargo containers remain a mainstay of international commerce, and as long as we cannot verify what is inside each and every one of them, we are vulnerable.

Right now, only 5 percent of containers entering this country are inspected. That is a number which I believe would shock most Americans. Let me be clear. It would be unacceptable to screen only 5 percent of White House visitors every day, so why is it acceptable to scan only 5 percent of cargo entering our country every day? Scanning anything less than 100 percent of cargo that enters our ports is irresponsible and downright negligent. Only scanning 5 percent of cargo containers that enter our ports is the equivalent of locking the car doors but leaving the windows down and the keys in the ignition. It is unacceptable.

Even the system we now use to determine which of the 5 percent of containers to inspect is riddled with flaws. Customs inspectors rely on manifests and intelligence data—both of which can be unintentionally incorrect or even manipulated—to develop algorithms that tell them which container to open. We cannot take the risk that complex mathematical equations relying on faulty inputs will catch a chemical, nuclear, or biological weapon shipped into our ports. We need to develop a system that will eventually ensure that 100 percent of containers bound for this country are inspected, either physically or through effective nonintrusive scanning that will find and detect weapons no matter how they are disguised.

We need to take advantage of existing technologies that can scan the inside of a container, even before it leaves a foreign port, and create a downloadable image of what is inside. That image can be reviewed in real time by security officials in the United States so we know exactly what the container holds before it even sets sail for our shores. By combining this technology with scans for radioactive material, we can find dangerous materials before they ever arrive in our ports.

Port security is a serious matter that should be addressed with a comprehensive and consistent plan, not a game of ''Eeny Meeny Miney Mo'' to figure out which cargo container to scan. Five years after September 11, we must have a plan, a clear roadmap that describes how we will move our Nation to 100 percent scanning at our ports. To accomplish this, this amendment would require just that: to produce an initial plan, a tangible document that clearly outlines how to increase scanning to 100 percent at our ports. The plan must include yearly benchmarks and consequences for supply chain entities that fail to comply, and this could include loss of access to U.S. ports and levying of fines.

My amendment also includes a requirement for an update of the initial 100-percent scanning plan that would include lessons learned from the pilot system.

The definition of 100 percent scanning is very important here, and I hope

our colleagues will focus on this issue. The American public should not be misled by anyone stating that screening is sufficient or that offering amendments for 100-percent screening is a step in the right direction.

Let me be very clear: 100 percent screening means just looking at manifests, manifests that are often incomplete and incorrect. Relying on manifests is simply not the way to ensure cargo containers do not contain items they should not, items that could endanger the security of our ports, the surrounding communities, and the people in our country.

I want to emphasize that I am not calling for all containers entering the United States to be opened up and examined. What I am calling for, and something that is well within our technical capabilities, is to ensure that all containers entering the United States have been scanned using nonintrusive technology.

But to get to 100 percent container inspection and to have true container security, we also need to take immediate steps to put scanners in place here and abroad to track containers as they move across the ocean and to start protecting against not only nuclear but chemical and biological agents.

In conclusion, we have been debating the details of this cargo inspection regime for far too long. It is not a new issue. But the time has come to act decisively and with one voice to make our ports safer than they are now.

Five years after September 11, we still do not know what is entering our ports. Recently, a commercial airplane was diverted because someone forgot their BlackBerry on board. Yet thousands of cargo containers stream into our Nation every day without us knowing exactly what they contain.

Just this past Monday, we commemorated the fifth anniversary of the attacks that shocked the Nation and took the lives of 3,000 Americans, including 700 New Jerseyans. We must remember the terrorists used methods beyond our wildest imaginations and spurred the Congress into some action to better protect our Nation. Here we stand 5 years later and we are still not scanning 100 percent of the cargo that enters our country. We are tempting fate in a most reckless way. We have identified a clear vulnerability and we must do everything we can to decrease the threat before it is too late.

If we could roll back the clock 10 years and spend a few billion dollars to raise the levees in New Orleans to be able to withstand a category 5 hurricane, we would have saved hundreds of lives, as well as the billions of dollars it will take to rebuild that city. I don't want this country to look back in hindsight a few years from now with the realization that if we had taken action today, we could have prevented a major terrorist attack. Who among us would be satisfied in the aftermath of an attack that we did not take the steps that could have prevented it because we were unwilling to dedicate the necessary resources? That is the choice the Congress faces and the Senate faces today. And for the security of our country, it is essential that we make the right one.

I urge my colleagues to support this amendment so that we can do so and move toward a plan that will give us 100 percent scanning.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I listened carefully to the comments of the Senator from New Jersey in which he advocates for 100 percent scanning. He says, for example, that is the only way we can be safe, that we would never scan just 5 percent of the people coming to the White House. I think there is a lot of misunderstanding about how the current system works, so let me start with an explanation of the layered system of security we have at our ports right now.

First, all cargo manifests are submitted to authorities 24 hours before ships pull into ports. The automated targeting system is a sophisticated analysis that looks at where did the cargo come from, what is its destination, what is the cargo, who are the shippers involved, who is the retailer or other recipient of the cargo. Through a classified system, those and other factors are considered, and the cargo is assigned scores depending on this analysis.

Let me first be very clear. Every single container goes through that step, and that is called screening. There is a lot of confusion among the terms ''screening,'' ''scanning,'' ''integrated scanning,'' and ''inspection.'' So what I have described is the screening process that uses this automatic targeting system to identify at-risk containers.

After the at-risk containers are identified, they are supposed to be scanned or even physically searched by Customs and Border Protection. However, an investigation by the Permanent Subcommittee on Investigations of the Homeland Security Committee, which Senator COLEMAN led, indicated that this system didn't always result in an inspection of the high-risk container, despite it being identified. Senator COLEMAN is going to be offering an amendment shortly that will ensure 100 percent scanning of those high-risk or at-risk containers. So that is one aspect of the system we have now.

Another layer is the Container Security Initiative. Under this program, our American Customs and Border Patrol officers are stationed at foreign ports. The CSI program is currently operational in 44 ports which cover approximately 75 percent of containerized cargo heading for the United States by sea. What we do is we work with the host government, and again, the process is to push hazards away from our shores, identify the high-risk cargo, and make sure it is never loaded onto our ships in the first place.

In addition, there is another system, which is that many containers are also scanned for radiological material at U.S. ports. When I visited, with the Senator from Washington State, the Seattle Port, we saw the radiation portal monitors that do this kind of scanning. Our bill requires that by the end of 2007, the largest U.S. ports must have radiation scanners which will ensure that 98 percent of inbound containers are scanned.

There is also a Department of Energy program called the Megaports Initiative that is currently scanning containers in foreign ports for radiological material.

Yet another layer of security is the Customs Trade Partnership Against Terrorism Program, the so-called C-TPAT Program. This is a program whereby manufacturers, retailers, and shippers secure the supply chain so that security is assured from the factory door to when the container arrives at our shores. Every step of the supply chain is secured. Senator MURRAY has improved upon that concept with her GreenLane concept which will give additional benefits to shippers who undertake even stronger security measures. This involves making sure, for example, that containers are sealed with electronic seals that can reveal whether they have been tampered with or opened en route. In other words, this is a risk-based approach to enhancing the security of our containers.

At the same time—and this is the approach our bill builds upon—the layered approach to security allows the maritime cargo industry in the United States, which moves more than 11 million containers per year, to function efficiently. That is important. I have seen the giant VACIS machines that do these x-ray screenings. It is not that quick a process. It takes a while. It takes probably 4 minutes or so for them to go around the container, and then the analysis of those images can take up to 15 minutes.

With 11 million containers entering the U.S. seaports every year, the delay caused by screening all containers would cause a massive backlog of cargo at the ports. That doesn't mean that someday—someday soon, I believe—we are not going to have the technology that will allow us to do an integrated scan, both in x ray and a scan for radiological material, in a far more efficient way and have a method of triggering an additional review if something is found.

The Washington Post said it very well in an editorial yesterday when they said:

> The ''inspect all containers'' mantra is a red herring that exploits America's fears about what might slip through in order to score political points, ignoring the fact that there are much more cost and time effective ways of keeping dangerous cargo out of the country.

Our bill we have brought before the Senate would do just that by strengthening and improving upon the existing

programs. I believe with Senator COLEMAN's amendment, which I am proud to cosponsor along with the Senator from Alaska, we can even improve it further and set the stage when someday—soon, I hope—we do have the technology that allows us to do 100 percent integrated scanning.

The Senator from New Jersey just calls for scanning, so I don't know whether he doesn't want an integrated system which includes the radiological scan. But in any event, it has an integrated scanning system that will work and allow us to move cargo quickly. That is where we should be headed. We can't ignore the reality that we don't have the technology yet to do that effectively and efficiently now but that we can put in place a layered system that gives us greater protections than we have today.

We have to realize also that we have limited resources. I remember an expert in port security once telling me that if you inspect everything, you inspect nothing. You have to focus on risk and you have to come up with systems that build a layered approach, starting with securing the supply chain, working with the governments of foreign ports, having radiological scanning, making sure we put into place a layered security system.

I would note two other issues that I see in the amendment offered by the Senator from New Jersey.

First, much to my surprise, the language on page 2 of his bill suggests that all outbound cargo from the United States would have to be scanned. I can't imagine what the impact on trade would be. They would be using the same equipment as the inbound containers, so it would cause a tremendous backlog in scanning containers.

Second, he has some troubling language where he calls for a description of the consequences to be imposed on foreign ports or U.S. ports that don't meet the benchmarks described in his language, which may include the loss of access to U.S. ports and fines. What are we saying—that we are going to threaten ports with fines rather than working with them? That kind of language just invites retaliation by foreign governments, and I think it is misguided in the extreme.

So I think the bill is a very good bill that we have brought before our colleagues and a balanced bill to deal with this issue, but I think we can strengthen it further, improve it further by adopting the amendment of the Senator from Minnesota, which I am proud to support and cosponsor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 4982

Mr. COLEMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and ask for the immediate consideration of amendment No. 4982.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. COLEMAN] proposes an amendment numbered 4982.

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

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

The amendment is as follows:

AMENDMENT NO. 4982

(Purpose: To require the Secretary of Homeland Security to ensure that all cargo containers are screened before arriving at a United States seaport, that all high-risk containers are scanned before leaving a United States seaport, and that integrated scanning systems are fully deployed to scan all cargo containers entering the United States before they arrive in the United States)

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

SEC. 233. SCREENING AND SCANNING OF CARGO CONTAINERS.

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

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

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

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

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

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

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

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

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

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

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

Mr. COLEMAN. First, before I begin talking about my amendment, I wish to thank the Chair of the Homeland Security Committee, Senator COLLINS, and her cosponsor for the work they have done on port security. The Senator from Washington has been a champion. Although she is not on our committee, she has spent as much time sitting in on these hearings as many committee members. It has been a magnificent display of bipartisanship and a magnificent display of the best in the U.S. Senate.

Looking at the issues today, we have serious challenges, and I believe the bill before us does a magnificent job of addressing some of the greatest vulnerabilities our Nation faces. We have vulnerabilities, and our subcommittee did its own work in looking at some of these areas.

For about 3 years, we have looked at these issues of trying to bolster America's port security and supply chain security. During the course of that, we identified numerous weaknesses. The subcommittee found at one point in time that only a de minimis number of high-risk containers were actually inspected. It was a very serious problem.

The subcommittee found that an overwhelming proportion of C–TPAT companies that Chairman COLLINS talked about enjoy the benefits without having been inspected, without having the certifications you need to make sure that if you are going to give people the benefit of operating this program, they do it the right way. We found a flawed system that Homeland Security uses in identifying high-risk containers entering the United States. We raised concerns about the percentage of cargo containers entering U.S. ports that are actually screened with radiological devices. So these are just a handful of the significant problems we discovered.

The bottom line is that the underlying legislation tackles these concerns and many other weaknesses head-on—head-on. So as someone who has spent 3 years looking at this issue, I look at the underlying bill and say the concerns that the subcommittee raised in terms of inadequate nuclear and radiological screening will be taken care of in a set period of time. There are deadlines in here. When Secretary Chertoff testified before our committee this week, he indicated that by the end of next year, 2007, we will have 100 percent screening of radiological material in this country. So the bill addresses it. The actions of the committee have moved the agency forward, and I think that is a good thing, although there is more to be done.

One of the things I have been a champion of is the idea of screening and scanning all containers coming to our country. That is a goal. There are 11 million—11 million—that enter into our country, and the goal is it would be ideal to be able to scan every one. It is important, by the way, that we screen every one.

One of the things we worry about here as we get closer to election season is that some language is generating some fears on the part of the American public about our vulnerability. People in this country should know that every container is screened. There is a system in place. Our chairman did a tremendous job of describing the layered security that is employed. There are layers of security that highlight high risks and allow us then to do a targeted job of dealing with the issue of security.

We never have a 100-percent guarantee. We live in a world where there are few 100-percent guarantees. But we have a system that allows us to have this layered security, improved substantially by this bill, that allows the flow of commerce to go through.

If my colleagues recall, Osama bin Laden said he wanted to destroy us economically. He wanted to cripple this country. He understood that if you destroy the economy, you destroy the country. So as we deal with this issue of supply chain security, we have to do everything we can to make sure we are secure. We also have to make sure we don't put things in place that achieve the goal of the terrorists, which is to destroy the flow of commerce and destroy the economy. That is the balance, and it is difficult. We are always erring on the side of safety.

One of the things we saw during the course of our investigation—I had a chance to go to Hong Kong as well as the Port of Los Angeles and other ports throughout this country. But we saw in Hong Kong a system where they actually scanned every container. It was a very good system, by the way, in terms of getting a picture—I would call it kind of a moving CAT scan.

The Senator from Maine talked about the systems we have here—a very slow process. Literally, the container is in one place and the system goes over it. In Hong Kong, they have a system that scans on kind of—I would call it a moving CAT scan. The trucks come through, they never stop, they are rolling right through, and on each and every one of them there is a picture taken and you get a scan, and then there is a radiological detection device that is over that and it goes through and it is magnificent. I think some of my colleagues saw that and said: We have to have that right here, right now. That sounds wonderful.

It is important to note that, in fact, there are 40 lanes of traffic in Hong Kong, and only 2, only 2 have this system. So what we have in the underlying bill is an amendment that says we are going to set up a pilot project, and in that pilot project what we are going to do is we are going to test this system.

By the way, it is also important to note that of all the images we get, they are not processed. We have a library of images where, God forbid there was an attack, we could go back and pinpoint where it came from and not shut down every port. But there is no use of those images today. They are not being fed into Langley, they are not being fed into our intelligence system, they are not being fed into anything. So in the end, when the Senator from Maine talks about an integrated system, integration means not just integration of a standing image with a radiological detection device but integration of the information that is being gathered, which is substantial, to be used then in terms of our own analysis of what is in that cargo—does it represent high-risk, et cetera.

There is a great opportunity here, a great opportunity. But we are only at a point now where we have in one place in the world—we have two lanes of traffic that are using a system, and we now have the opportunity in this bill to get a pilot project, and I think it is magnificent. But there are also weaknesses we have which we then can address with this amendment, amendment No. 4982. What it says is—we kind of walked through and looked at what was in the bill, and we realized that, in operation, 100 percent of high-risk containers weren't being screened. This amendment says they will be. So every citizen out there should know that 100 percent of those containers which are identified as high risk will be screened, and that is important.

Then we go to the next step, and we do it in a responsible way. I have always believed that good policy is good politics. We do this in a good-policy way. We say that the Secretary shall ensure that 100 percent of the containers that have been identified as high risk are scanned before such containers leave a seaport facility. And then we say: The Secretary, in coordination with the Secretary of Energy and foreign partners, shall fully deploy integrated scanning systems to scan all containers entering the United States before such containers arrive in the United States as soon as the Secretary determines that—and this is the key—the integrated scanning system has a sufficiently low false alarm rate, is capable of being deployed and operated in ports overseas, meets certain requirements set forth in the statute—very basic requirements—does not significantly impact trade capacity and flow of cargo at foreign and U.S. ports.

So we have a system that says: OK, Mr. Secretary, this is what you have to do, because we want this system in place, but we want it to be done in a way that doesn't cripple the supply chain and that practically can be done. It is nice to be able to say we want 100 percent. I think we have about 704 operational seaports in 147 countries today, and we have a scanning system that is used in 2 lanes and one that is not even integrated into our entire system. We are not there yet. We want to get there. This amendment puts us on a course to get there.

Then, to make sure we are not simply leaving it to the discretion of the Secretary to say when he decides it should be done, we tell him to come back to us, to come back to our colleagues in Congress, and we want to know where you are. So it says that not later than 6 months—and the underlying pilot project requires the Secretary to come back—it is a 1-year pilot project—come back within 120 days with a report and tell us how the pilot project worked. And then this amendment says that not later than 6 months after the submission of this report and every 6 months thereafter, the Secretary shall submit a report to the appropriate congressional committees describing the status of full-scale deployment under subsection B and the cost of deploying the system at each foreign port.

So what we have in place here is what I hope my colleagues on both sides of the aisle would say is the right way to go. We set in place a pilot project. We ask that the pilot project be evaluated. The Secretary is required to give us a report on how that pilot project is working, and then we tell the Secretary: Every 6 months, come back, because we want to know how close we are to getting to 100 percent scanning, how close we are and what else has to be done. It gives us the opportunity in a responsible way—a responsible way—to come back to see if we can put in place a system where we scan 100 percent. But scanning 100 percent on arbitrary deadlines, scanning 100 percent on impossible deadlines doesn't make any sense, and I am glad we are not at that point right now. We are at the point right now where we have in place the ability to significantly improve the level of safety and security in those 11 million cargo containers which are entering the United States.

We have an underlying bill that does a magnificent job of addressing weaknesses that have been identified, and now we will take care of them. We have an amendment in place that builds on a pilot project, and building on that pilot project puts certain obligations on the Department of Homeland Security to come back to us in Congress and tell us how you are doing, and if you are not moving quick enough, we will be on your case. We will be on your case. We know what the goal is, and we share a common vision, and we have now a responsible way of doing it. That will allow the free flow of commerce, will allow jobs to grow, giving people economic security at the same time that we protect national security.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I yield 6 minutes to the Senator from the New Jersey, Mr. MENENDEZ.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 6 minutes.

Mr. MENENDEZ. Mr. President, I thank the Senator for yielding time.

After listening to this debate, I think my distinguished colleagues are talking about another pending amendment, not my amendment. My amendment is very clear and forthright. It asks for a plan to achieve 100 percent scanning—a plan.

Now, after listening to the debate, the reality is that after all of the items that were discussed, that still is only 1 percent scanning of 5 percent of the cargo. Let's not get confused. Words matter. There is a difference between screening and scanning.

Who in our country will be satisfied with a mathematical equation being used as the way in which we determine what 5 percent ultimately gets taken care of? What it still says, notwithstanding all those layers of security

that the distinguished Senator from Maine spoke about, is that still only has us reviewing 5 percent of the cargo. That is what it does. So who among us is willing to allow mathematical equations that are based upon information that can be either intentionally or unintentionally faulty to ultimately protect the ports of this country, the people who work there, the communities that surround them, and the commerce of the Nation? I wouldn't.

If Hong Kong can do this, the United States of America can do it. All we say is let's have the Department of Homeland Security develop a plan to achieve it. We do not insist on specific ways in which we do that. We allow them to develop the plan. But let's get to a plan for 100 percent of the cargo.

As for domestic, we say it will include benchmarks that they will determine in the plan for what type of cargo inspectors are inspecting here in the United States before they leave. It doesn't say specifically the amount, and as it relates to the loss of access to U.S. ports and fines, it says it may include such loss of access if we believe that is the way in which we should seek enforcement. It doesn't say ''it shall.'' It says ''it may.''

At the end of the day, if we adopt the amendment of the Senator from Minnesota, we are still saying: OK, 5 percent is something we are willing to live with. At the end of the day, we do not move to a plan of 100 percent scanning of the Nation's cargo. Doesn't the Nation deserve a plan to get there, a plan that largely can be devised to ensure that both technological accomplishments, as well as security concerns, are brought together to achieve the goal? I think the Nation deserves a plan. So it is very important to understand that when we keep saying screen—screen means looking at a cargo manifest.

I had the Port of Elizabeth in Newark in what was my former congressional district for 13 years and dealt with them for quite a bit on a number of issues. Screening just means let's look at what is in that container. Let's see the list. Where is it coming from? What port is it coming from? Let's ultimately take all of that and put it in a mathematical equation and look at what is inside the cargo. But that is not scanning 100 percent of what comes into the Nation. Let America not be confused by that.

Also, this is about scanning it abroad. When we wait until it comes into a port of the United States, if it has a nuclear device in it, it is a little late. We need to be doing that scanning abroad.

I urge my colleagues to understand the difference between these amendments. Ours produces a plan to get us to 100 percent of scanning, and it gives flexibility for the Department to do so, but it does move us toward that ultimate goal.

With that, I yield the remainder of my time to the Senator from Washington, and I yield the floor.

The PRESIDING OFFICER. Who yields the floor?

Mrs. MURRAY. How much time is left on both sides?

The PRESIDING OFFICER. The minority has 8½ minutes, the majority has 2½.

Mrs. MURRAY. I yield the remainder of our time to the Senator from New Jersey, Mr. LAUTENBERG.

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

Mr. LAUTENBERG. Mr. President, I rise to support the amendment brought by my colleague, Senator MENENDEZ, because I think it covers the bases we are concerned about. This amendment, very simply, demands accountability from the Bush administration on port security. The bill before us contains an amendment as well, that I authored in committee, to require 100 percent screening of containers coming into the United States. These containers would have to be screened before they are loaded on ships at a foreign port. I think that is the time to do it.

We have already seen attempts by the majority to downplay or even duck this requirement. I am not suggesting, in the interests of safety and security, that the Senator from Minnesota or the Senator from Maine is less concerned about the security or the safety of our people. But I am supporting the Menendez amendment because he gets specifically to the point, and I think the approach that we take is the strongest one and in the best interests of the American people.

We need the administration to tell the American people exactly how long it will take them to provide the security necessary to reach the level of a 100-percent screening requirement. Right now, as we all know, we only inspect around 5 percent of shipping containers coming into our country. Terrorists could smuggle weapons, nuclear or chemical weapons, into a harbor and potentially launch an attack even more devastating than the 9/11 attack we experienced.

I listened very carefully to Senator MENENDEZ review his amendment, and that is to get us to the 100 percent opportunity. The Senator from Minnesota says he believes there would be 100 percent screening. But that would come only after there have been paper documents saying what was being shipped was OK.

I ask you, would we take the most honest presentation of a clergyman, a doctor, a lawyer, a judge, or an individual and say: OK, that individual can bypass security at the airport? Not on your life. And we should not do it here.

Why do we want to put trust in a paper-laden system where the GAO says that many of the manifests and the documents for shipping cargo are unreliable, that they are not trustworthy. I think if we are really going to do the job people expect of us, we are going to have to try to get as quickly as we can to 100 percent screening. The amendment of Senator MENENDEZ does absolutely that, so we ought not to tinker any further.

Are we really serious about getting to the end of the game, protecting our citizens as much as we can? Then we have to do it by a 100-percent screening. What we are not saying is do it overnight or do it by next week or next month. But we are saying: Give us the plan, Mr. President and this administration, on how you expect to do this.

We have to remember one thing: Senator MENENDEZ has, in his former territory, in his former constituency, the second largest port in the country; the New York-New Jersey Harbor is just that. He has worked with people who run the cargo operations. He knows the people who are terminal operators. He is very conscious of what it takes to protect ourselves to the last detail that we can.

I believe we have to be in support of the Menendez amendment that says: OK, come on, tell us what it is that you plan to do to protect the people of America in a way that gives us comfort—not 1 out of 20 cargo containers that arrive that might be supported by a paper manifest that doesn't mean an awful lot because there is plenty of opportunity to tinker with that cargo container before it leaves the shore unless we have scanned it at the last moment possible.

I urge our colleagues to support the Menendez amendment. Let's not waste any more of the time that the people of America need to feel secure about those ships that enter our harbors bringing goods into this country.

I yield whatever time there is back to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, how much time is remaining on the majority side?

The PRESIDING OFFICER. There remains 2½ minutes.

Mr. COLLINS. I yield 1½ minutes to the Senator from Minnesota, and I retain a minute for myself.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I say to my colleagues listening, the difference between the Menendez amendment and mine is America doesn't need another plan. There are some technical infirmities. There are some questions about what it may do in terms of our relations with other countries. Put all that aside. We don't need another plan. We need action. Maybe it is the ex-mayor in me. The underlying bill and the pilot project and the Coleman amendment will provide action. They put in place a pilot project to test how 100 percent scanning can work, and then it directs the Secretary to fully deploy, with a series of steps put in front of him, and then requires him to come back to Congress. It is not about planning, it is about action.

The American public wants action. We are giving the action. We are strengthening our port security. We

are putting in place a pilot project. We are directing the Secretary to ensure there is 100 percent screening of every high-risk container, and then requiring him to fully deploy an integrated scanning system 100 percent, lays out the conditions, and has him report back to us.

I am not sure we can do any better today based on the technology we now have.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, if you think about it, those who are advocating that we go to 100 percent scanning prior to having the technology in place to do it efficiently without slowing down trade are, in fact, rejecting the whole notion of the C–TPAT Program. Why should a shipper, retailer or manufacturer, secure its supply chain from end to end if they are going to be subjected to the same kinds of inspection as a shipper who has high-risk cargo in an unsecured supply chain? That doesn't make any sense at all. It completely undermines the C–TPAT Program, the container security initiative, because it embraces the concept that all cargo is alike. It is not all alike. There are low-risk containers.

I think we should think very carefully about the implications of this amendment. I think Senator COLEMAN has come up with an excellent amendment. He has done a great deal of work, and I urge my colleagues to support the Coleman-Collins-Stevens amendment and to vote against the amendment of the Senator from New Jersey.

The PRESIDING OFFICER. The time of the majority has expired. The Senator from Washington.

Mrs. MURRAY. I believe there is 3 minutes left on our side.

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. I yield to the Senator from New Jersey however much time he needs.

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

Mr. LAUTENBERG. I thank the Senator from Washington.

I listened very carefully to what our colleagues on the other side of the aisle have said. I wonder about why it is we are defending a voluntary system, of sorts, that raises the question about why a shipper would waste any time tracing the source of the product if they are going to be inspected again. What are we doing? Are we saying the question is whether we trust the shipper? That is not the position we take at all.

The position we take, that the amendment of Senator MENENDEZ takes, is tell us when you are going to have 100 percent security. That is the right objective. We know that it works. We know in Hong Kong they can process a scan of a cargo container in something around 2 minutes at an average cost of about $8. Is it not worth it? We pass the cost along to the shipper. That is their cost, not the American taxpayer's cost.

As regards relying on paperwork to give us a head's up as to whether that cargo should be inspected, GAO has found that shipping documents are one of the least reliable sources of information that Customs collects.

One audit pre-9/11 showed that over 60 percent of these documents had major discrepancies. So who are we trying to defend? Are we trying to defend the well-being of the American people, of the economy that relies so much on harbor activity, on imported goods, or are we trying to satisfy an industrial perspective that says don't take the time, don't do that, let's trust, right now, 95 percent of the cargo that comes in here as being safe to reach our shores.

I do not think that is a very good way for us to be reacting when everyone is so concerned about another terrorist attack, something that everybody is concerned about, a repetition of something that resembles 9/11, or even worse.

The best thing to do is stick to our guns and say that we want to see 100 percent of those cargo containers scanned so we know what is in there. After it has been closed up, after everything else has been done, the paper manifest is still there, and whether they are exactly precise would not matter. We will know what is in that cargo container, and we will be able to protect the American people as we should.

I, once again, hope Members will reject the amendment and support Senator MENENDEZ's amendment.

Ms. COLLINS. Mr. President, I ask for the yeas and nays on the Coleman amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on the Menendez amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the Coleman amendment.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—95

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

NAYS—3

Lautenberg	Menendez	Schumer

NOT VOTING—2

Akaka	Chafee

The amendment (No. 4982) was agreed to.

Mr. COLEMAN. I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4999

The PRESIDING OFFICER. There is 2 minutes equally divided on the Menendez amendment.

The Senator from Maine.

Ms. COLLINS. Mr. President, we just agreed to an amendment that will require 100 percent scanning of high-risk containers and put us on the path to having 100 percent scanning of containers, once it is feasible, once the technology is there.

I am concerned about the amendment of the Senator from New Jersey. I don't think it has the kind of thought in it that was in the Coleman amendment. There are two provisions, in particular, that concern me.

One, it requires a plan for scanning containers that are going out of U.S. ports. That is going to slow down trade incredibly and will be a real problem for our farmers who are exporting their crops.

Second, it has a provision requiring consequences to be imposed on foreign ports or U.S. ports that do not meet the benchmarks described in the plan, which may include a loss of access to U.S. ports and fines. This will lead to retaliation by foreign ports.

I urge our colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 minute.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to add Senator LAUTENBERG as a cosponsor to the amendment.

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

Mr. MENENDEZ. Mr. President, with reference to the concerns the Senator from Maine raised, let me just say the amendment we just adopted says we are going to scan 100 percent of the

containers that have been identified as high risk before they leave the United States. So that is the very essence of what we seek to do as well.

Secondly, the only amendment before the Senate that will move us to a plan to get to 100 percent scanning of all cargo in this country is the amendment presently before the Senate.

If you want to continue to allow a mathematical equation to determine how we inspect only 5 percent of the cargo in this country, then that is what you just accomplished. If you want to move toward a plan to get 100 percent scanning of all the cargo that comes into this country, giving the Department of Homeland Security the opportunity to develop such a plan, then this amendment is the one you want to vote for.

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

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—43

Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Inouye	Obama
Bingaman	Jeffords	Pryor
Boxer	Johnson	Reed
Byrd	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Carper	Kohl	Salazar
Clinton	Lautenberg	Sarbanes
Conrad	Leahy	Schumer
Dayton	Levin	Stabenow
Dodd	Lieberman	Talent
Dorgan	Lincoln	Wyden
Durbin	Menendez	
Feingold	Mikulski	

NAYS—55

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (NE)
Bennett	Enzi	Roberts
Bond	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Burr	Hagel	Snowe
Chambliss	Hatch	Specter
Coburn	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Isakson	Thomas
Collins	Kyl	Thune
Cornyn	Landrieu	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	
DeWine	McCain	

NOT VOTING—2

Akaka	Chafee

The amendment (No. 4999) was rejected.

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

AMENDMENT NO. 4958

Mrs. CLINTON. Mr. President, I call up pending amendment No. 4958, and I ask for the yeas and nays.

The PRESIDING OFFICER. The amendment is now pending. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Montana is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 4096

Mr. BAUCUS. Mr. President, I wish to read a letter I just received today from a representative of an American company that employs millions of workers, including hundreds in my home State of Montana.

He writes:

> As one of the Nation's largest employers of people coming off welfare, we have kept our end of the bargain and continued hiring throughout this year with the understanding that the Work Opportunity and Welfare to Work tax credits would be extended.

He continues:

> We now face a significant increase in our tax liability and will have to book corresponding losses to our profitability unless you act now. The ongoing frustration is taking its toll on us.

Indeed, the frustration over the 2005 expired tax incentives is taking its toll on millions of Americans.

This letter is from the parent company of T.J. Maxx, Marshalls, HomeGoods, A.J. Wright, and Bob's Stores. That company likely has stores in each State in the Union and each congressional district. These are real people, real jobs, and real money on the line. Yet some of my colleagues on the other side of the aisle have taken these popular tax credits hostage. In fact, some have openly referred to these credits as ''hostages.'' Some have said that sometimes you have to kill hostages to be taken seriously. It is time that we end these threats and get back to the business of legislating.

Let me remind everyone how many times these popular tax cuts have been set aside. We first passed them as part of the tax reconciliation bill last November. They passed this body, but they were set aside in order to accommodate provisions in that tax bill that were expiring, not in 2005 but expiring 4 years later in 2009. Then we were promised they would surely be included in the pension conference, the next tax vehicle. Once again, they were pulled out at the last moment after weeks of negotiations and haggling.

The package we are discussing is a compromise package. It passed the House. It does not include everything I would want, but it is what we agreed to months ago, and it is what we should have enacted months ago.

This package includes the research and development tax credit. I remind my colleagues that companies are now beginning to restate their financials. Why? Because Congress has not extended the R&D tax credit that expired at the end of last year. We have letters from companies saying they have to restate, but they had the R&D credit in the past. They have to start restating their financials. It is not in the law now. If we were going to extend it, we should have extended it a long time ago.

The package includes the deduction for schoolteachers who buy supplies for their students. Of all things to give our teachers. Think of them, who buy supplies for their students. They are supposed to get a deduction. It expired last year. My Lord, here we are already at the beginning of the school year and the deduction is not there for them.

The package includes the tuition deduction for college students trying to go back to school. It includes the deduction for State and local sales taxes. Just think. And it includes other widely supported tax cuts.

If we do not enact these provisions, then millions of Americans will have their taxes increased. This Congress has been zealous in preventing tax increases several years into the future. We ought to prevent these tax increases which are happening today.

I urge my colleagues to pass a clean, retroactive extension, back to the end of 2005, of these popular credits for businesses, schoolteachers, employers who hire welfare workers, and all the people who are depending on us to do the right thing. Let us end the frustration today.

Mr. President, this amendment has more than 30 cosponsors. I imagine there would be many more if we asked them. I ask unanimous consent that Senators BINGAMAN, FEINSTEIN, and KENNEDY be added as cosponsors. I also ask unanimous consent that Senator OBAMA, Senator REED from Rhode Island, Senator AKAKA, and Senator INOUYE be added as cosponsors.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 326, H.R. 4096; that the Senate adopt my amendment that is at the desk, the substance of which is the agreed-upon tax extender package; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; that the Senate return to the port security bill; and that all this occur without intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, the issue before us is an issue we have addressed on the floor of the Senate. Republicans felt very strongly that these tax extenders need to be extended and brought them to the floor prior to our recess. Yes, they were coupled with two other issues, one of which was a permanent solution to the death tax, which is a fair thing to do, overwhelmingly supported by the majority of the people, and an increase in the minimum wage by 40 percent, something that I feel strongly that we are in a position to do.

We took those issues to the floor. The bill was defeated by the other side

of the aisle. Again, it was very unfortunate. It was referred to as the so-called trifecta bill. I did switch my vote at that time, and it may well be that over the next couple of weeks, if we can continue to build support for these issues, we can bring that bill back to the floor.

Thus, at this juncture, instead of breaking those bills up, we are going to keep those bills together, and thus I object.

The PRESIDING OFFICER. Objection has been heard.

Mr. BAUCUS. Mr. President, before the Senator objects, may I make one comment?

The PRESIDING OFFICER. An objection has been heard on the floor.

Mr. BAUCUS. I ask to have the floor.

The PRESIDING OFFICER. The Senator has the floor.

Mr. BAUCUS. Mr. President, I appreciate the views of the majority leader. I must remind all of our colleagues that we have been down that road a couple of times and that, in my judgment, they are not going to fly.

I support the provisions that are in that package. This Senate has voted a couple of times, and it is my strongly held view in talking with Senators that it just is not going to get passed. In the meantime, it is important to get something passed that is so important to so many people.

I hear what the majority leader is saying, but it is my judgment that sometimes it is better to go on and do legislation that can get enacted and not stick around and try to delude ourselves into passing bills that cannot get passed. That is why I am bringing this up today, because we can get this passed today, I am quite confident. Regrettably, the provisions the majority leader mentioned cannot be passed, and therefore we should not delay the passage of something that is so important to so many people.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I appreciate the comments of my distinguished colleague. Time is very short, I understand. That is why my colleague brings it to the floor now, because it is very important that we extend these tax provisions—sales tax, college tuition, and the R&D tax credit. It is very important. That is really the reason I took a bill I know my colleague supports, and that is a permanent solution to the death tax—maybe not exactly the way it is now, but he is somebody who supported that cause. Indeed, it has the majority support of the United States of America. It is the right thing to do. The minimum wage, again, I think is something that is broadly supported by the American people. And then the tax extenders. All three are broadly supported.

The benefit is, if we can build that support and have it reflected on this floor—that is really on the Senator's side of the aisle—that would be the law of the land because it has already passed the House of Representatives. If we were to vote on these today, it would be signed by the President 3 days from now. That means people's minimum wage would go up 40 percent, the tax extenders would be done because it wouldn't have to go back to the House and it would be done 3 days from now, and we would have a permanent solution to the death tax, which is a fair and right thing to do.

I am going to preserve that option for now. I appreciate my colleague's support because I think he probably does individually support each of those three issues.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, for the benefit of my colleagues, I want to explain how we are going to proceed. Obviously, Senator BAUCUS made his unanimous consent request. I didn't anticipate that when we were ordering the speakers earlier. We are going to go to Senator SANTORUM for the purpose of an amendment, but he will only take 3 minutes, and then we are going to go to Senator OBAMA for his amendment, and then I am going to propose on behalf of Senator VOINOVICH an amendment he has worked out with the Presiding Officer.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 4990

(Purpose: To provide for comprehensive border security, and for other purposes.)

Mr. SANTORUM. Mr. President, I call up amendment No. 4990 and ask for its consideration.

The PRESIDING OFFICER. Is there objection to the pending amendment being set aside? Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 4990.

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

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

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

Mr. SANTORUM. President, I rise today to offer an amendment that I believe offers us an opportunity to secure our borders now. My bill takes a first-things-first approach and recognizes that it is imperative that we secure our borders now. This first step cannot—and should not have to—wait for a ''comprehensive'' solution. Once we secure our borders, we can look at all of the other illegal immigration related issues that remain. There is a bipartisan consensus on what needs to be done on border security and the provisions that make up this consensus. We should not hold our border security hostage to a broader initiative.

My amendment will significantly increase the assets available for controlling our borders. It provides more inspectors, more marshals, and more border patrol agents on both the northern and southern borders. It provides new aerial vehicles and virtual fencing—camera, sensors, satellite and radar coverage, etc. It increases our surveillance assets and their deployment and provides for new checkpoints and ports of entry. It includes Senator SESSIONS' amendment for greater fencing along our southern border, including 370 miles of triple-layered fencing and 500 miles of vehicle barriers. It also provides for the acquisition of more helicopters, powerboats, motor vehicles, portable computers, radio communications, hand-held global positioning devices, night vision equipment, body armor, weapons, and detention space.

While we know these resources will be critical improvements, it does not just throw resources at the problem. My amendment requires a comprehensive national strategy for border security, surveillance, ports of entry, information exchange between agencies, increasing the capacity to train border patrol agents and combating human smuggling. It enhances initiatives on biometric data, secure communications for border patrol agents, and document fraud detection. It includes Senator ENSIGN's language to temporarily deploy the National Guard to support the border patrol in securing our southern land border. Additionally, it increases punishment for the construction, of border tunnels or passages.

When our borders are not secure, it is our cities and counties that are on the front lines, particularly those closest to the borders. Unfortunately, the negative impacts of illegal immigration are not limited to our border towns. Recently I worked with communities in southeastern Pennsylvania—Allentown, Easton, Bethlehem, Reading and Lancaster—as well as the U.S. Attorney for the Eastern District of Pennsylvania, Pat Meehan, to get one of the six recent Anti-Gang Initiative grants given by the Department of Justice. This area, called the Route 222 Corridor, was the only nonmetropolitan area to receive one of the $2.5 million grants to combat growing criminal activity in part because of illegal immigrants. However, I raise this issue here because U.S. Attorney Meehan's letter explains this issue very succinctly. He stated ''[e]ach city is seeing extensive Latino relocation to its poorer neighborhoods and housing projects. Once largely Puerto Rican, the minority populations are increasingly from Central America. Simultaneously, Mexican workers migrate to the agricultural areas around Lancaster, creating a southern link to criminal networks. The urban core is therefore transient, poor, non-English speaking and often undocumented . . . In this fertile environment, the Latin Kings, Bloods, NETA, and lately, MS–13, are recruiting or fighting with local gangs for control of the drug markets. Violence is a daily by-product.''

My amendment provides relief for cities, counties, and States dealing

with increased costs because of illegal immigration—specifically those caused by the criminal acts of illegal immigrants. There are four programs included in my amendment to address these issues. First, there are grants to law enforcement agencies within 100 miles of the Canadian or Mexican borders or such agencies where there is a lack of security and a rise in criminal activity because of the lack of border security, including a preference for communities with less than 50,000 people. Second, local governments can be reimbursed for costs associated with processing criminal illegal aliens such as indigent defense, criminal prosecution, translators, and court costs. Third, State and local law enforcement agencies can be reimbursed for expenses incurred in the detention and transportation of an illegal alien to Federal custody. Finally, reimbursements are available for costs incurred in prosecuting criminal cases that were federally initiated but where the Federal entity declined to prosecute. In addition, my bill requires the Secretary of Homeland Security to provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department, and that the Secretary designate at least one Federal, State, or local facility in each State as the central facility to transfer custody to the Department of Homeland Security.

This amendment also expedites the removal of criminal aliens from correctional facilities and expands border security programs through the Department of Commerce such as the Carrier Initiative, the Americas Counter Smuggling Initiative, the Container Security Initiative, and the Free and Secure Trade Initiative.

Throughout this debate, I have consistently stated that the first thing we must do is secure our Nation's borders. While the House and Senate are working to come to an agreement on the broader issues in an immigration bill, I am here to offer the Senate an opportunity to secure our borders now by adopting my Border Security First Amendment. Our borders must be secured now—not later. In the post 9/11 world we live in, our national security depends on our border security. We need to know who is coming into our country, where they are from, and what they are doing here. We must put first things first—we must secure our Nation's borders. I hope that my Senate colleagues will join me in recognizing the urgency of this amendment.

Again, I offer this amendment because I wish to make a point. The point is, we are talking about port security, and that is very important. But what I hear when I go home is not about port security, I hear about border security over and over again. If there is one issue people come up to me and talk to me about without fail, no matter what part of the State I am in, it is: What are you folks going to do about securing our borders?

We passed a bill in the Senate that is not going anywhere in the House of Representatives. It doesn't seem to be going anywhere in conference right now. What we should do and what the people in America would like us to do is to secure the borders first.

This amendment does just that. It is all the provisions in the Senate-passed bill that deal just with border security. If you want to talk about securing this country—and that is what this bill is about—border security is a national security issue, it is an economic security issue, and it also has to do with who we are as a country and our ability to sustain our culture.

This is an important amendment. I know this is not going to be germane postcloture, and we are going to have a cloture vote tomorrow morning. So I will not pursue it further because I am told I cannot get a vote on it. I bring this up because this is what we need to do between now and the end of this month before we recess. We need to pass a bill that secures our borders and tells the American people that we get it in Washington as to what the priorities are. There are other things we need to do, I understand that, but this is what we need to do and do first.

AMENDMENT NO. 4990, WITHDRAWN

Mr. President, I ask unanimous consent that the amendment be withdrawn.

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

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Clinton amendment.

Mr. OBAMA. I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 4972, AS MODIFIED

Mr. OBAMA. Mr. President, I call up amendment No. 4972, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA] proposes an amendment numbered 4972, as modified.

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

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

The amendment is as follows:

(Purpose: To ensure the evacuation of individuals with special needs in times of emergency)

On page 87, after line 18, add the following:

SEC. 407. EVACUATION IN EMERGENCIES.

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

(b) EVACUATION PLANS FOR INDIVIDUALS WITH SPECIAL NEEDS.—The Secretary, acting through the Federal Emergency Management Agency shall take appropriate actions to ensure that each State, as that term is defined in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)), requires appropriate State and local government officials to develop detailed and comprehensive pre-disaster and post-disaster plans for the evacuation of individuals with special needs, including the elderly, disabled individuals, low-income individuals and families, the homeless, and individuals who do not speak English, in emergencies that would warrant their evacuation, including plans for the provision of food, water, and shelter for evacuees.

(c) REPORT TO CONGRESS.—

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

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

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

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

Mr. OBAMA. Mr. President, I rise today to offer an amendment that would supplement the steps we are taking through this port security bill and increase our preparedness for a potential terrorist attack. My amendment is fairly modest. It requires FEMA to mandate that each State have a plan for the evacuation of individuals with special needs during times of emergency. Such plans would include an explanation of how these people—particularly low-income individuals and families, the elderly, the disabled, and those who cannot speak English—will be evacuated out of the emergency area and how the States will provide shelter, food, and water to these people once evacuated.

This amendment was included in S. 1725 and passed out of the Homeland Security and Governmental Affairs Committee in September of 2005.

This amendment obviously grows out of the tragedy of Hurricane Katrina, which devastated the gulf coast a little more than a year ago. One of the most striking aspects of the devastation caused by Katrina is the majority of stranded victims who were our society's most vulnerable members. As I indicated, after the tragedy, I think the government officials who called for the evacuation of the gulf coast—and this is true not just for Federal folks but also State and local officials—seemed to assume that all residents could pack up their families into an SUV, fill up the gas tank, drive out of town, and find a hotel in which to ride out the storm. As we learned, that was not the case. Many people were forced to find shelter in the Superdome or convention center because they did not own cars. They didn't have the money for a tank of gas or a hotel room. They

might not have wanted to leave their jobs or their belongings. Maybe they were in nursing homes or maybe they misunderstood the warnings because they didn't speak English. Whatever the reasons, thousands of people were not evacuated, and we saw the horrific results of that mistake.

This failure to evacuate so many of the most desperate citizens in the gulf coast could easily happen again if we are faced with another natural disaster such as Katrina or a terrorist attack that struck one of our cities. That is why I have come to the floor to offer this amendment. Our charge as public servants is to worry about all people. I was troubled that our emergency response and disaster plans were inadequate for large segments of the gulf coast. I have serious doubts at this point whether the plans in other regions are adequate as well. Perfect evacuation planning is obviously not possible, but greater advanced preparation can ensure the most vulnerable are not simply forgotten or ignored.

Even the Department of Homeland Security recognizes the urgent need for action, and the Department's nationwide plan review published this June found:

> Significant weaknesses in evacuation planning are an area of profound concern.

Congress can and should act to address this concern by passing this amendment. I hope my colleagues will support this amendment which, as I said, passed the Homeland Security Committee on a bipartisan basis.

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

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

Mr. OBAMA. Mr. President, I yield the floor.

Mr. GREGG. Mr. President, I understand the Senator from Maine is going to proceed with an amendment, but I ask unanimous consent that at the conclusion of her proceedings for the amendment, I be recognized to speak on the pending legislation.

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

Ms. COLLINS. Mr. President, first I would inquire through the Chair of the Senator from Illinois whether he has modified his amendment. I didn't hear a request that it be modified.

The PRESIDING OFFICER. The amendment was called up as modified.

Ms. COLLINS. I appreciate the clarification.

Mr. President, this proposal of the Senator from Illinois is very similar to a provision of the post-Katrina Stafford Act reforms that were reported by the Homeland Security Committee. The Senator from Illinois is absolutely right that we need to do a far better job in this country of developing comprehensive plans for the evacuation of individuals with special needs before, during, and after a disaster.

When we look at the experience with Hurricane Katrina, what we find is those who were left behind were predominantly elderly and disabled. Those were the characteristics that caused people to not be able to evacuate. Another factor was they tended to be lower income individuals, too. But the disabled individuals of the area, in Louisiana in particular, also actually had the experience of going to Red Cross shelters and being turned away, which is something I have discussed with the Red Cross.

So I think it is a good idea to require State and local governments to develop these kinds of plans, and I am happy to accept the amendment. I urge adoption of the amendment.

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

Mr. OBAMA. Mr. President, I thank Chairman COLLINS for supporting this amendment. I very much appreciate her remarks.

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

The amendment (No. 4972), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that it be in order to reconsider the vote on the Menendez amendment No. 4999 at this time.

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

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4962, AS MODIFIED

Ms. COLLINS. Mr. President, I send to the desk a modified amendment of the Senator from Ohio, Mr. VOINOVICH.

The PRESIDING OFFICER. Without objection, it is so ordered, and the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Maine [Ms. COLLINS], for Mr. VOINOVICH, for himself and Mrs. CLINTON, and Ms. LANDRIEU, proposes an amendment numbered 4962, as modified.

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

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

The amendment, as modified, is as follows:

> At the appropriate place, insert the following:

SEC. ___. PROTECTION OF HEALTH AND SAFETY DURING DISASTERS.

(a) PROTECTION OF HEALTH AND SAFETY OF INDIVIDUALS IN A DISASTER AREA.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by inserting after section 408 the following:

"SEC. 409. PROTECTION OF HEALTH AND SAFETY OF INDIVIDUALS IN A DISASTER AREA.

"(a) DEFINITIONS.—In this section:

"(1) CERTIFIED MONITORING PROGRAM.—The term 'certified monitoring program' means a medical monitoring program—

"(A) in which a participating responder is a participant as a condition of the employment of such participating responder; and

"(B) that the Secretary of Health and Human Services certifies includes an adequate baseline medical screening.

"(2) HIGH EXPOSURE LEVEL.—The term 'high exposure level' means a level of exposure to a substance of concern that is for such a duration, or of such a magnitude, that adverse effects on human health can be reasonably expected to occur, as determined by the President in accordance with human monitoring or environmental or other appropriate indicators.

"(3) INDIVIDUAL.—The term 'individual' includes—

"(A) a worker or volunteer who responds to a disaster, either natural or manmade, involving any mode of transportation in the United States or disrupting the transportation system of the United States, including—

"(i) a police officer;

"(ii) a firefighter;

"(iii) an emergency medical technician;

"(iv) any participating member of an urban search and rescue team; and

"(v) any other relief or rescue worker or volunteer that the President determines to be appropriate;

"(B) a worker who responds to a disaster, either natural or manmade, involving any mode of transportation in the United States or disrupting the transportation system of the United States, by assisting in the cleanup or restoration of critical infrastructure in and around a disaster area;

"(C) a person whose place of residence is in a disaster area, caused by either a natural or manmade disaster involving any mode of transportation in the United States or disrupting the transportation system of the United States;

"(D) a person who is employed in or attends school, child care, or adult day care in a building located in a disaster area, caused by either a natural or manmade disaster involving any mode of transportation in the United States or disrupting the transportation system of the United States, of the United States; and

"(E) any other person that the President determines to be appropriate.

"(4) PARTICIPATING RESPONDER.—The term 'participating responder' means an individual described in paragraph (3)(A).

"(5) PROGRAM.—The term 'program' means a program described in subsection (b) that is carried out for a disaster area.

"(6) SUBSTANCE OF CONCERN.—The term 'substance of concern' means a chemical or other substance that is associated with potential acute or chronic human health effects, the risk of exposure to which could potentially be increased as the result of a disaster, as determined by the President, in coordination with ATSDR and EPA, CDC, NIH, FEMA, OSHA, and other agencies.

"(b) PROGRAM.—

"(1) IN GENERAL.—If the President determines that 1 or more substances of concern are being, or have been, released in an area declared to be a disaster area under this Act and disrupts the transportation system of the United States, the President may carry out a program for the coordination and protection, assessment, monitoring, and study of the health and safety of individuals with high exposure levels to ensure that—

"(A) the individuals are adequately informed about and protected against potential health impacts of any substance of concern and potential mental health impacts in a timely manner;

''(B) the individuals are monitored and studied over time, including through baseline and followup clinical health examinations, for—

''(i) any short- and long-term health impacts of any substance of concern; and

''(ii) any mental health impacts;

''(C) the individuals receive health care referrals as needed and appropriate; and

''(D) information from any such monitoring and studies is used to prevent or protect against similar health impacts from future disasters.

''(2) ACTIVITIES.—A program under paragraph (1) may include such activities as—

''(A) collecting and analyzing environmental exposure data;

''(B) developing and disseminating information and educational materials;

''(C) performing baseline and followup clinical health and mental health examinations and taking biological samples;

''(D) establishing and maintaining an exposure registry;

''(E) studying the short- and long-term human health impacts of any exposures through epidemiological and other health studies; and

''(F) providing assistance to individuals in determining eligibility for health coverage and identifying appropriate health services.

''(3) TIMING.—To the maximum extent practicable, activities under any program carried out under paragraph (1) (including baseline health examinations) shall be commenced in a timely manner that will ensure the highest level of public health protection and effective monitoring.

''(4) PARTICIPATION IN REGISTRIES AND STUDIES.—

''(A) IN GENERAL.—Participation in any registry or study that is part of a program carried out under paragraph (1) shall be voluntary.

''(B) PROTECTION OF PRIVACY.—The President shall take appropriate measures to protect the privacy of any participant in a registry or study described in subparagraph (A).

''(C) PRIORITY.—

''(i) IN GENERAL.—Except as provided in clause (ii), the President shall give priority in any registry or study described in subparagraph (A) to the protection, monitoring and study of the health and safety of individuals with the highest level of exposure to a substance of concern.

''(ii) MODIFICATIONS.—Notwithstanding clause (i), the President may modify the priority of a registry or study described in subparagraph (A), if the President determines such modification to be appropriate.

''(5) COOPERATIVE AGREEMENTS.—

''(A) IN GENERAL.—The President may carry out a program under paragraph (1) through a cooperative agreement with a medical institution, including a local health department, or a consortium of medical institutions.

''(B) SELECTION CRITERIA.—To the maximum extent practicable, the President shall select, to carry out a program under paragraph (1), a medical institution or a consortium of medical institutions that—

''(i) is located near—

''(I) the disaster area with respect to which the program is carried out; and

''(II) any other area in which there reside groups of individuals that worked or volunteered in response to the disaster; and

''(ii) has appropriate experience in the areas of environmental or occupational health, toxicology, and safety, including experience in—

''(I) developing clinical protocols and conducting clinical health examinations, including mental health assessments;

''(II) conducting long-term health monitoring and epidemiological studies;

''(III) conducting long-term mental health studies; and

''(IV) establishing and maintaining medical surveillance programs and environmental exposure or disease registries.

''(6) INVOLVEMENT.—

''(A) IN GENERAL.—In carrying out a program under paragraph (1), the President shall involve interested and affected parties, as appropriate, including representatives of—

''(i) Federal, State, and local government agencies;

''(ii) groups of individuals that worked or volunteered in response to the disaster in the disaster area;

''(iii) local residents, businesses, and schools (including parents and teachers);

''(iv) health care providers; and

''(v) other organizations and persons.

''(B) COMMITTEES.—Involvement under subparagraph (A) may be provided through the establishment of an advisory or oversight committee or board.

''(7) PRIVACY.—The President shall carry out each program under paragraph (1) in accordance with regulations relating to privacy promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note; Public Law 104–191).

''(8) EXISTING PROGRAMS.—In carrying out a program under paragraph (1), the President may—

''(A) include the baseline clinical health examination of a participating responder under a certified monitoring programs; and

''(B) substitute the baseline clinical health examination of a participating responder under a certified monitoring program for a baseline clinical health examination under paragraph (1).

''(c) REPORTS.—Not later than 1 year after the establishment of a program under subsection (b)(1), and every 5 years thereafter, the President, or the medical institution or consortium of such institutions having entered into a cooperative agreement under subsection (b)(5), may submit a report to the Secretary of Homeland Security, the Secretary of Health and Human Services, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and appropriate committees of Congress describing the programs and studies carried out under the program.''.

(b) NATIONAL ACADEMY OF SCIENCES REPORT ON DISASTER AREA HEALTH AND ENVIRONMENTAL PROTECTION AND MONITORING.—

(1) IN GENERAL.—The Secretary, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency shall jointly enter into a contract with the National Academy of Sciences to conduct a study and prepare a report on disaster area health and environmental protection and monitoring.

(2) PARTICIPATION OF EXPERTS.—The report under paragraph (1) shall be prepared with the participation of individuals who have expertise in—

(A) environmental health, safety, and medicine;

(B) occupational health, safety, and medicine;

(C) clinical medicine, including pediatrics;

(D) environmental toxicology;

(E) epidemiology;

(F) mental health;

(G) medical monitoring and surveillance;

(H) environmental monitoring and surveillance;

(I) environmental and industrial hygiene;

(J) emergency planning and preparedness;

(K) public outreach and education;

(L) State and local health departments;

(M) State and local environmental protection departments;

(N) functions of workers that respond to disasters, including first responders;

(O) public health and family services.

(3) CONTENTS.—The report under paragraph (1) shall provide advice and recommendations regarding protecting and monitoring the health and safety of individuals potentially exposed to any chemical or other substance associated with potential acute or chronic human health effects as the result of a disaster, including advice and recommendations regarding—

(A) the establishment of protocols for monitoring and responding to chemical or substance releases in a disaster area to protect public health and safety, including—

(i) chemicals or other substances for which samples should be collected in the event of a disaster, including a terrorist attack;

(ii) chemical- or substance-specific methods of sample collection, including sampling methodologies and locations;

(iii) chemical- or substance-specific methods of sample analysis;

(iv) health-based threshold levels to be used and response actions to be taken in the event that thresholds are exceeded for individual chemicals or other substances;

(v) procedures for providing monitoring results to—

(I) appropriate Federal, State, and local government agencies;

(II) appropriate response personnel; and

(III) the public;

(vi) responsibilities of Federal, State, and local agencies for—

(I) collecting and analyzing samples;

(II) reporting results; and

(III) taking appropriate response actions; and

(vii) capabilities and capacity within the Federal Government to conduct appropriate environmental monitoring and response in the event of a disaster, including a terrorist attack; and

(B) other issues specified by the Secretary, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency.

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

Ms. COLLINS. Mr. President, as the Presiding Officer is well aware, this reflects an agreement between the Senator from Oklahoma and the Senator from Ohio. It is my understanding that it has been cleared on both sides, and I ask for its adoption.

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

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

The amendment (No. 4962), as modified, was agreed to.

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

Mr. GREGG. Mr. President, I rise to congratulate the Senator from Maine, the Senator from Alaska, the Senator from Iowa, and the ranking members of those committees—Finance, Commerce, and Homeland Security—for bringing forward this extremely important piece of legislation relative to port security. It has a lot of the initiatives in it that are necessary to be sure we move forward with a legal framework which will allow us to secure our ports.

But I did want to make these points about what we have already done and

what we are doing, even though we may not have had the actual authorization language in place, because I think people listening to this debate may presume: Well, because they are actually debating this language, maybe nothing has been done on this point or on that point which has been raised, such as monitoring, such as Coast Guard enhancement, such as expanding the number of Customs officers.

Nothing could be further from what is actually occurring on the ground. We have moved forward. Granted, we haven't done it under the context of authorization language; we have done it through the appropriations process. But we have moved forward very aggressively with the funding of port security as a Congress and as an administration.

The Senate specifically has taken the leadership in this area. When the Homeland Security appropriations bill was on the floor under the authorship of Senator BYRD from West Virginia, we increased port security funding, which is already fairly significant within the Homeland Security appropriations bill; we increased it by over $600 million specifically for port security initiatives. As a result, that additional funding, coupled with the funding which was already in place and which has been growing over the last few years, represented a very strong commitment to trying to upgrade our ports because we all recognize—there is no subtlety to this—the ports are a significant point of vulnerability for our Nation.

Just to put this in context, if we are able to pass the Homeland Security appropriations bill as it passed the Senate—and I suspect we will be fairly close to those numbers as a result of the support we have received from Senator COCHRAN and from the leadership of both the House and the Senate in giving us the allocation plus some additional funds for emergencies to accomplish the type of funding initiatives we need—we will add 460 new Customs and Border Patrol agents purely for the purpose of port security. That is on top of the agents we already have, which number in the hundreds. We will add over $211 million for nonintrusive inspection equipment. We will add $139 million for container security initiatives, $60 million for Customs Trade Partnership Against Terrorism, and $27 million for the automatic targeting system.

We have also committed massive amounts of dollars to the Coast Guard and to enhancing the Coast Guard's capability because they truly are the front line of port security. Our goal in the area of port security is not to wait for the ship to arrive in an American port before we actually know what is on it and before we have a chance to inspect it but to inspect that cargo before it even leaves the docks of the foreign nation that may be shipping it to us and to be sure we have the capability under any scenario to intercept a ship should we deem it to have suspicious cargo while it is at sea. In order to accomplish that, we have committed over $7.5 billion to the Coast Guard for border security. Of that, approximately $4 billion was specifically for port security, and about $2.1 billion of that was for an improvement of what is called their deepwater assets, which is really a misnomer. In my opinion, it should be called the inland water assets because essentially these new facilities, these new boats and aircraft are going to allow us to make sure our ports are more secure.

The Coast Guard inspection effort was increased by $23 million for security assessment of foreign and domestic ports. That will allow the Coast Guard to pursue very aggressive unscheduled inspections of both foreign and domestic ports to see what their standards are.

We have committed $10 million to set up two new interagency operation centers on top of the three operation centers we have already, which are port-oriented operation centers, which are very important to make sure we have a coordinated effort around especially our major ports in this country.

We have $10 million of Coast Guard funding to do port security exercises. This is critical. We can't really plan effectively in a vacuum. We have to actually send out an exercise where we create an event which is artificial but which is treated as if it is real and have the Coast Guard and the various agencies engaged in the process of making sure they can respond to that event.

We have added $786 million for the purposes of upgrading the cutter program and $50 million for the fast-response cutter program. Over 12 of the medium-endurance cutters are going to be dramatically upgraded, and we are purchasing 5 patrol boats and 16 medium-response patrol boats. This is a lot of new hardware which will be put in the hands of the Coast Guard.

On top of that, in the aircraft area, we are adding two major new patrol aircraft. We will have had 71 helicopters, as a result of this bill, armed, which is a major step forward. We only have I think two or three—maybe five helicopters armed today.

Interestingly enough—and this is a little aside, a little vignette—the Coast Guard has determined that they have 100 percent interdiction when they try to stop a boat with an armed helicopter versus a much lower interdiction rate when they try to stop a boat with an unarmed helicopter.

We have extended the life of 18 of the helicopters—I am sorry—18 of the HC–130 planes, we have reengined the entire helicopter fleet, and we have dramatically expanded the mission capability of the HC–130J airplanes.

So the Coast Guard has been given a robust infusion of funds for on-the-ground capability in port security and out-in-the-port capability for port security.

In addition, in the appropriations bill which passed the Senate 100 to nothing, there was a $210 million commitment to support security grants, which was a significant increase. There was a $178 million commitment for the purchase of radiation portal monitors, which are obviously key to determining the major threat, which is the threat of a potential dirty weapon being brought into the United States through a port or a cargo vessel.

So if you look at the authorization language in this bill relative to funds which this bill calls for in order to meet what are the needs of the ports, we have actually passed as an appropriation in the appropriations process essentially almost all the money. It is nice to have it authorized, but essentially what we have already done is appropriated. The only major difference would be in the port security grants, and even there we have made a very significant downpayment as a percentage of what this bill calls for. So there has been a strong commitment made already in the area of appropriating funds in order to make sure our ports are more secure. I did want to make that clear so that people watching this debate, as important as the debate is, would realize we haven't been waiting for the language to be brought forward. It is important language. It is critical language to do the job right. But we as a Congress, and the administration, have been moving forward to make sure that Homeland Security and especially the Coast Guard and those people who are responsible for making the decisions as to how we inspect, and the Customs and Border Patrol departments, have the resources they need in order to effectively begin to secure our ports.

I yield the floor and 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. NELSON of Nebraska. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

MODIFICATION TO AMENDMENT NO. 4945

Mr. NELSON of Nebraska. Mr. President, I call up my amendment which is at the desk, amendment No. 4945. There are modifications at the desk. I ask unanimous consent that Senator BURNS and Senator CANTWELL be added as original cosponsors as well as make the following modifications to the amendment which is there at the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified. The cosponsors will be added.

The modification is as follows:

On page 27, on line 24 after ''emergency measures'', insert the following:

''including wildfire recovery efforts in Montana and other States''

On page 28, after line 12, insert the following:

"SEC. 133. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

The Secretary shall use an additional $200,000,000 of funds of the Commodity Credit

Corporation to carry out emergency measures identified by the Secretary through the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), of which not less than $50,000,000 shall be used to carry out wildfire recovery efforts (including in Montana and other States).''

Mr. NELSON of Nebraska. Mr. President, I appreciate the opportunity to be here today. I thank Senators COLLINS and, of course, PATTY MURRAY for the opportunity to speak.

What I want to say is that I have been hearing rumors that the leadership staff says this drought disaster amendment is not germane. As far as I know, cloture has not been invoked. Until and unless cloture is invoked, it is germane. It cannot be ruled as not germane.

The amendment I offered this morning now has 19 bipartisan cosponsors. I have already pointed to the chart to show what the extent of the drought is and the devastation that the drought is wreaking all across the middle part of the country and down into the southeastern part of the country as well.

The drought conditions range from severe to less than moderate in most of the instances, and the darker, the more it is affecting. What isn't shown on this chart is the number of years that the drought has endured in some parts of the country.

In Nebraska, for example, the drought in some cases is 7 continuous years in duration, planting with higher input costs and no crop for many farmers. Many have not been able to sustain themselves. They have had to leave their farms.

Ranchers are being adversely affected by the drought, obviously, because their pastures are crisp where the grass should be green. The grass is brittle because of the continuing drought conditions.

As a matter of fact, trying to get some recognition of what a drought consists of as opposed to a hurricane, which has a name in each and every case—I named this drought David just a few years ago. Unfortunately, in some caces Drought David is celebrating its seventh birthday, in other cases its fifth birthday, and in some other cases 2 or 3 years. This is a continuing condition.

That is why our farmers and ranchers deserve an up-or-down vote on this amendment. There is no ruling that it isn't germane. We could have an up-or-down vote on it tonight. I hope we would be able to do that.

The severity continues, and denying an up-or-down vote doesn't mean the drought goes away. It just means the ranchers and farmers are not going to get what they deserve.

I ask for the yeas and nays on my amendment, No. 4945.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

NET NEUTRALITY

Mr. WYDEN. Mr. President and colleagues, I have put a public hold on the telecommunications legislation that has cleared the Senate Commerce Committee, and I have decided to come to the floor, from time to time, to try to outline why I have committed to block that legislation until the legislation ensures that the Internet will be free of discrimination.

That is what the debate known as Net neutrality is all about. It is something I feel very strongly about. I think as colleagues and the country come to understand more about what this issue is all about, there will be increasing concern about the absence in this legislation of tough, enforceable provisions to ensure that the Internet is free of discrimination.

Now, the lobbyists for the big communications concerns would like Americans to believe this is a very complicated issue. Certainly, there are technical aspects to it. But the bottom line proposition, Mr. President and colleagues, is, today, when you log on, you get to take your browser where you want to go, when you want to go there, and everybody is treated the same. That is what would change under this legislation because it would be possible, under the way the bill is written now, for major phone companies and cable companies to essentially set up what they have described—described in the business press—as a pay-to-play arrangement. It would change the fundamental nature of the way the Internet works today. I happen to think that is a great mistake.

Now, in prior speeches, I have come to the floor to give examples of what the world would look like without Net neutrality for consumers and small business and innovators.

Over the recess, a small business came to me and shared a story that I thought was particularly interesting. It is the story of a company known as New Mexico Chili. The two individuals, a married couple, who established this firm, NMChili.com, set it up as an alternative to the high-priced on-line Southwestern Chili stores that most people were forced to patronize on line. This couple started with a simple idea and a motto, ''Even our prices taste good.''

From the small town of Hatch, NM, home of the world famous Labor Day Chile Festival, people from around the world can now access the wonderful chili that has made Hatch famous. Somebody from my hometown in Portland can go on line and within 48 hours have delivered to their doorstep Hatch's finest mild red chili or hot green chili.

They have been able to achieve all of this because of the open nature of the Internet. They pay their fee to get on the Net and for the bandwidth they use, and the business can flourish. This is because the Net remains neutral and free of discrimination.

Under the Senate Commerce Committee telecommunications bill, this would no longer be the case. This particular couple, in the small town of Hatch, NM, would be forced to pay fees to Internet access providers around the United States in order to have access to subscribers of these providers, or else they could get stuck in the ''slow lane.'' They would be left with two bad choices: If they pay the fees to the providers, they would no longer be able to say ''even our prices taste good,'' as they will be forced to charge customers more in order to continue to make profits. If they do not pay the fees to providers, their Web site would get stuck in what will become the Internet ''slow lane,'' angering customers and causing them to lose business to larger competitors who can afford to pay the fee. Either way, New Mexico Chili, a small business that came to us, would lose, and its customers would lose.

In this example, the large businesses that own the Internet pipes extend their reach to the detriment of small business. According to the business plans of the major phone and cable companies, what they have been telling Wall Street, what is printed in the business press, this is the direction in which they are headed.

Without Net neutrality, without strong, enforceable provisions to ensure that the Internet is free of discrimination, this small firm in New Mexico would not be able to use the Net the way they can today, and there would be thousands and thousands of other small businesses like it.

Now, Mr. President and colleagues, we are going to hear a lot about this legislation in the days ahead. I have been hearing reports, for example, that if you have Net neutrality we are going to have problems for consumers in terms of blocking spam. That is not going to happen. And in the days ahead, I will outline how that is the case, as well.

The newest attack is that Net neutrality would prevent parents from keeping pornographic content away from their children's eyes and ears. That also is not going to happen. That is why organizations with great interest and expertise in the area, groups such as the Parents Television Council, are strongly supporting an Internet that is free of discrimination, an Internet that has strong provisions to protect Net neutrality.

The fact is, an Internet free of discrimination, an Internet that ensures there is Net neutrality is going to allow parents to do the same things they now do in terms of keeping pornography out of their home. And the fact is, I think it is going to give parents new tools in the days ahead to have additional new and exciting options in video programming that is free of the violence and foul language and sexual content that many of them are forced to buy today in order to receive the best educational programming on television. That is because the promise of a competitive Internet television market is going to grow fastest with an Internet that is free of discrimination and an Internet that ensures there is true Net neutrality.

Mr. President, I see the distinguished Senators who have been active on the legislation, the distinguished Senator from Alaska and the distinguished Senator from Washington, on the Senate floor. It is not my intent to get in the way of their moving this important legislation. So I intend to come to the floor on additional occasions in the days ahead to discuss this issue. I wanted to go through the example of that small business in New Mexico, New Mexico Chili, to outline why they benefit so dramatically with an Internet that is free of discrimination. I also wanted to outline why Net neutrality is so important to the cause of protecting parents and families from pornography and ensuring that those families have the tools to fight spam.

As I have indicated to the Senate in the past, it is my intent to keep my public hold on the telecommunications legislation until strong language is included in that bill that ensures that the Internet, which today operates free of discrimination, treats all customers the same way. Until that is embedded in the legislation that comes before the Senate, I will continue to keep my hold on this legislation.

I know the sponsors of tonight's bill have important work to do.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, at another time I might discuss this subject, Net neutrality, with the Senator from Oregon. I think what I will do is send him a copy of all the letters I have received from his constituents who agree with me. But I thank him very much for his comments.

Mr. ENZI. Mr. President, I rise in opposition to the Clinton amendment. Although I understand the need to ensure that first responders and volunteers with definitive health effects from 9/11 receive treatment, I remain very concerned with the current proposal from the Senator from New York.

I must first say that I am sorry Senator CLINTON did not speak with me first about this matter, as it falls within the HELP Committee jurisdiction, which I chair and of which Senator CLINTON is a member.

It also concerns me that the main genesis for action on this issue is a report released just last week from Mount Sinai, as part of the ongoing monitoring of health effects that we in Congress have authorized. Given that it has simply been a week since that report, we have not had a full amount of time to review that report and understand all of its implications.

I am concerned with the Senator from New York's proposal to delegate CDC as the primary entity administering this program. Rather than rely on the current mechanisms for providing health care and treatment programs through the Health Resources and Services Administration at the Department of Health and Human Services, this amendment creates a new role for CDC, taking them away from critical public health activities, such as responding to bird flu and potential bioterrorist attacks.

It is also important to make sure a program such as this is designed in such a way to meet the needs of the first responders and emergency workers that need it most.

The eligibility criteria are also too vague and provide health care services for activities that are not related to the events of September 11, 2001. I appreciate that Senator CLINTON's staff have been clear with mine that this is an issue that she recognizes as flawed and she would like to address it. However, we do not have the time to do that right now. We should not as a responsible legislative body approve a flawed proposal.

I do want to continue to work with the Senator from New York to address the health issues of the first responders who assisted in our response to 9/11. I know that time is limited in the remaining days of this Congress, and all of us would like all of our major priorities to be addressed. However, I have confirmed with HHS that they will soon send out another $75 million in addition to the $125 million which they have already distributed, to provide care and treatment to these individuals for the next few months.

Mr. President, I ask unanimous consent that a funding document from HHS be inserted into the RECORD that fully describes the funds that have been allocated to New York city to date.

In closing, I want to restate my commitment to further investigating the health effects of 9/11 on first responders and working with HHS to ensure their health care needs are addressed.

We do have time for thoughtful consideration and review of this issue, including giving HHS additional authorities through regular order.

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

SELECTED HHS POST 9/11 FUNDING

CMS

Disaster Relief Medicaid Program: $335 million: HHS provided expedited health care coverage for low-income New York children and adults in the Medicaid, Child Health Plus and Family Health Plus programs and temporary medical coverage for those affected by the September 11th terrorist attacks.

HRSA

Health Centers: $10 million in FY 2001: 33 Health Centers grantees in New York City and Northern New Jersey received one-time grants to support immediate costs of response as well as longer-term health care services as a result of the September 11th terrorist attacks.

Grants to Health Care Providers: $35 million in FY 2001: Funding was provided to St. Vincent's Hospital-Manhattan and New York University Downtown Hospital, two of the hospitals in Manhattan that were dramatically impacted by the September 11th terrorist attacks. These hospitals mobilized staff to respond to hundreds of seriously injured patients.

Grants to Health Care Providers: $135 million in FY 2002: In FY 2002, a special grant to health care entities that suffered financial losses directly attributable to the September 11th terrorist attacks was provided under the Hospital Emergency Response program.

SAMHSA

Emergency Assistance: $22 million in FY 2001: Funds were provided to support mental health treatment for long-term disorders and to expand substance abuse treatment services to address the needs of individuals and families impacted by the September 11th terrorist attacks.

Other Counseling: $10 million in FY 2002: Funding was added to the National Child Traumatic Stress Initiative to improve the quality of treatment services to children and adolescents who experienced traumatic events. This funding supported 5 multi-year grants to address post traumatic stress disorders in children.

Other Counseling: $4 million in FY 2002: Mental health grantees received funding to provide services to public safety workers who are the first responders to national disorders.

CDC

Contract to Mt. Sinai School of Medicine: $12 million FY 2002: Provided funding to Mt. Sinai School of Medicine via contract for baseline safety screening of 12,000 responders, rescue and recovery workers.

World Trade Center Registry: $20 million FY 2002: CDC/ATSDR established a registry of responders, residents and occupants. The WTC Health Registry is operated by the NYC Department of Health and Mental Hygiene with 71,000 registrants now enrolled.

Federal Workers Screening: $3.7 million in FY 2002: Funds were provided to the Office of Public Health Emergency Preparedness to perform baseline medical screenings for Federal responders.

World Trade Center Monitoring Program: $90 million in FY 2002: Funds were provided to the New York City Fire Department (FDNY), Mount Sinai School of Medicine, UMDNJ-Robert W Johnson Medical School, Research Foundation of CUNY, NY University School of Medicine, and the Research Foundation of the NY State University to administer baseline and follow-up screenings and clinical examinations and long-term health monitoring and analysis for responders, rescue and recovery workers. Approximately 6,000 screenings have been conducted to date and 10,000 follow-up screenings. Approximately $33 million has not been obligated. NIOSH plans to obligate these funds by FY 2008.

World Trade Center Registry, Screening, and Treatment: $75 million in FY 2006: Appropriated to CDC in the FY 2006 Department

of Defense Appropriations Act; to support existing programs that administer baseline and follow-up screening, monitoring, and provide treatment, support the WTC Health Registry and two NYC Police Officers mental health support programs. A total of $4.7 million has been awarded to the Mt. Sinai Consortium and FDNY.

NIH

National Institute of Environmental Health Sciences: $10.5 million: In the aftermath of September 11th terrorist attacks. NIEHS's Superfund Worker Education Training Program created the primary safety training program for response and cleanup workers at Ground Zero.

Mr. MENENDEZ. Mr. President, I rise in strong support today of the amendment offered by my colleague Senator BAUCUS. At the end of the last year, the higher education deduction, along with a number of other important tax credits, expired. This means that unless we act to extend it, nearly 4 million families and students will not be able to deduct their college tuition from their taxes for this year. At a time when college prices have more than doubled over the last 5 years, now is not the time for this deduction to disappear.

In my State of New Jersey, as across the Nation, tuition is becoming a heavier burden on our students. New Jersey families spend an average of 34 percent of their income on tuition at a 4-year public university. The higher education deduction is a simple way that we can reduce that burden, by allowing taxpayers to deduct up to $4,000 in tuition costs. Despite this, Congress has sat by while this and other crucial tax provisions expired.

In addition to the higher education deduction, Senator BAUCUS's amendment would also extend the $250 deduction for out-of-pocket expenses that teachers spend on supplies for their classrooms. Purchasing supplies with their own money is only one of the many sacrifices our teachers make—this small deduction is the least we can do to help them shoulder that cost. In addition, the amendment would extend and expand the research and development credit for companies to spur innovation and continue new research, and the new markets tax credit, which helps bring loans and new investments to lower income communities.

Today is now the fourth time this year we have considered extending the important tax credits contained in this amendment.

We had our first chance in February, when a majority of this body voted to extend these provisions. Then in May, when we should have passed these extensions, instead, our Republican colleagues made a choice. Instead of extending the deduction for college tuition or out-of-pocket teacher expenses, both of which have expired, our colleagues chose to extend tax cuts on something that does not expire for 2 more years—investment and capital gains income. Our colleagues chose to spend $50 billion to extend these tax cuts for 2 more years, when the cost to extend both the teacher out-of-pocket and college tuition deductions is less than $8 billion. The fact is, we are running out of time. As a hearing last week highlighted, if these extensions are not enacted into law by October 15, it will be too late for the IRS to adhere to them for this tax year. We likely have less than 10 legislative days left in this body. If we do not act today, the question is, when?

So, we have a choice once again today. Are we going to act to help students with the cost of their college tuition, or teachers with the sacrifices they make for their students, or are we going to sit by and pretend that these costs are not a hardship for millions of Americans?

I hope our colleagues on the other side of the aisle will see the need and the urgency to extend these provisions today, and not continue to wait, putting off tax relief that our students and families deserve.

I urge my colleagues to support the Baucus amendment, and to extend this relief today.

Mr. REED. Mr. President, on Monday, we marked the fifth anniversary of the September 11 attacks. The horror and sadness of the attacks on the World Trade Center and the Pentagon remain with us as a nation. We are still trying to come to grips with the security failures that allowed four civilian airplanes to be hijacked resulting in the death and injury of thousands of Americans and civilians from across the world.

Fortunately, there has not been a terrorist attack on the United States since 9/11; but al-Qaida continues to perpetrate terrorist attacks throughout the world. We remain at risk.

Today, we are considering legislation essential to keeping American ports and the maritime industry safe from terrorist attacks. I commend Senators COLLINS, LIEBERMAN, STEVENS, INOUYE, GRASSLEY, BAUCUS, and MURRAY for their work on this legislation.

While our Nation acted quickly after 9/11 to secure our airports and airplanes, major vulnerabilities remain in maritime and surface transportation. As the 9/11 Commission concluded ''opportunities to do harm are as great, or greater, in maritime and surface transportation'' as in commercial aviation. I am glad the Senate is finally turning its attention to these critical security challenges.

A terrorist incident at one of our Nation's ports could have tremendous costs in human lives and force the shutdown of ports across the Nation, which would have devastating and long-term impacts on our economy.

This bill is a good first step in protecting our seaports and maritime industry. However, there must be funds to support the homeland security initiatives in this bill if we are to make more than a symbolic effort. I am glad that the Senate accepted Senator MURRAY's amendment to provide dedicated funding for port security. This administration and Congress has not made port, rail, or transit security priorities for funding, and authorizing language while important is not sufficient.

Al-Qaida and other terrorist groups continue to strike across the world. A recent survey by the Center for American Progress and Foreign Policy magazine of national security and terrorism experts found that 86 percent believe the world is now more dangerous, and 84 percent believe the United States is losing the war on terror. For too long, the administration's focus on the war in Iraq has diverted resources and attention from the true war on terror. These are resources that could be used to fund security efforts at airports, at ports, on rail, and on public transit. These are resources that could be used at home to make us safer.

Each year, more than 11 million containers pass through U.S. ports and 53,000 foreign-flagged vessels visiting them. Since 9/11, Congress has appropriated a total of $765 million for port security grants, including $173 million in fiscal year 2006, to help our ports adopt important security measures. The Coast Guard, however, estimated that needed port security improvements could cost more than $5 billion.

Transit agencies around the country have identified in excess of $6 billion in transit security needs—$5.2 billion in security-related capital investment and $800 million to support personnel and related operation security measures to ensure transit security and readiness.

I am pleased that the Senate passed an amendment coauthored by Banking Committee Chairman SHELBY, Ranking Member SARBANES, Senator ALLARD, and me to the port security bill that will authorize a needs-based grant program within the Department of Homeland Security to identify and address the vulnerabilities of our Nation's transit systems. I thank Senators SHELBY and SARBANES for their leadership and hard work on this vitally important issue.

This amendment, consistent with the Public Transportation Security Act that passed the Senate in the 108th Congress, provides $3.5 billion over the next 3 years to transit agencies for projects designed to resist and deter terrorist attacks, including surveillance technologies, tunnel protection, chemical, biological, radiological, and explosive detection systems, perimeter protection, training, the establishment of redundant critical operations control systems, and other security improvements.

Transit is the most common, and most vulnerable, target of terrorists worldwide, whether it is Madrid, London, Moscow, Tokyo, Israel, or Mumbai. According to a Brookings Institution study, 42 percent of all terrorist attacks between 1991 and 2001 were directed at mass transit systems.

Transit is vital to providing mobility for millions of Americans and offers

tremendous economic benefits to our Nation. In the United States, people use public transportation over 32 million each week day compared to 2 million passengers who fly daily. Paradoxically, it is the very openness of the system that makes it vulnerable to terrorism. When one considers that roughly $9 per passenger is invested in aviation security, but less than one cent is invested in the security of each transit passenger, the need for this amendment and increased funding is clear.

Transit agencies and the women and men who operate them have been doing a tremendous job to increase security in a post 9/11 world, but there is only so much they can do with the very limited resources at their disposal. Our Nation's 6,000 transit agencies face a difficult balancing act as they attempt to tighten security and continue to move people from home to work or school or shopping or other locations efficiently and affordably. This amendment authorizes necessary funding to provide transit agencies with the tools they need to secure our commuter trains, subways, ferries, and buses.

With energy prices taking a larger chunk out of consumers' pocketbooks, public transit offers a solution to our national energy crisis and dependence on foreign oil. But, more Americans will not use transit unless commuters feel safe. I am glad that the Senate passed this bipartisan amendment which will grant transit security a similar standing as aviation security.

I would also like to take a moment to touch upon some of the provisions in the Real Security Act amendment offered by Senator REID that are relevant to efforts I have been working on in my capacity as a member of the Senate Health, Education, Labor, and Pensions—HELP—Committee. I am disappointed that this amendment failed on a budget point of order.

At the end of last year, the majority inserted into the must pass Department of Defense Appropriations bill broad liability protections for drug manufacturers for countermeasure products. While we certainly need vaccines and other medications to protect the population from the array of potential biological, chemical, and nuclear agents that could be intentionally used against us, such sweeping immunity was not appropriate.

At the same time, the bill did next to nothing to protect first responders, health care providers, and the general public should they be injured as a result of a countermeasure product utilized during the course of a public health emergency.

Senator REID's Real Security amendment provided for a sound and logical process for anyone who is injured or dies as a result of a countermeasure to receive fair and just compensation under the vaccine injury compensation fund. The amendment also provided appropriate indemnification for producers of countermeasure products.

A key element in any effort to respond to a public health emergency is public trust and cooperation during the process. If our health care providers, first responders, and the general public do not have confidence in the response effort, they will choose not to participate. We have already been through this experience once with the President's failed effort to get first responders inoculated against smallpox.

We must have thoughtful and clear procedures in place to demonstrate to those who may be called upon during a public health emergency that they will have recourse should they suffer as a result of a countermeasure intended to protect them. We all know that no vaccine or pharmaceutical is 100 percent safe. A small segment of the population will inevitably suffer an adverse event and to ensure they are taken care of in this event is the right and responsible thing to do.

Another important area this amendment addresses is the need to strengthen our hospital and public health infrastructure.

Federal efforts to shore up our hospitals and public health systems continue to fall short. Despite the ongoing support for bioterrorism preparedness activities in cities and states, grants for these important efforts, like many other critical domestic priorities, have actually declined over the past year.

The Real Security amendment would have bolstered our hospitals and public health workforce in their preparedness efforts, enhances the ability of health care providers to respond during a public health emergency, and improves our domestic and international disease surveillance capabilities.

When it comes to protecting our homeland against a terrorist attack, we can and must do more to fortify our ports, our transit systems, and our health care infrastructure. We must also reorient our priorities to ensure that we are doing all we can to protect our most important asset—our citizens.

Mr. LIEBERMAN. Mr. President, I rise to herald two amendments to this important homeland security legislation that, I hope, will go a long way toward improving the security of our nation's rail and mass transit systems.

Yesterday, the Homeland Security and Governmental Affairs Committee held a hearing at which Secretary Chertoff, representatives from the New York and Los Angeles County police departments, and two security experts testified about the future direction of homeland security. The witnesses expressed an eclectic array of views. But on at least one point, they were all in agreement: radical Islamic terrorists have targeted railroads and mass transit systems in Europe, and the United States could very well be next.

Terrorists have hit the subways, trains, and buses of London, Madrid, Mumbai, Tokyo, Moscow, and Israel. It is inconceivable that they have forgotten about us in the United States.

In fact, ''Jane's Intelligence Review'' posted a story on its Web site at the end of last month, stating that ''Terrorist attacks on trains and metro rail systems in cities such as Mumbai, London, Madrid, and Moscow suggest a sustained interest by terrorists in exploiting the often open aspect of commuter rail infrastructure to execute mass casualty attacks.''

This is an enormous concern to nearly all of us in this body. Fourteen million people use rail and mass transit every day in this country. In my home State of Connecticut, for example, the Metro North New Haven line is one of the busiest rail lines in the United States, carrying about 110,000 riders each day. And the Stamford, CT, train station on that line is among the busiest city rail stations in the United States.

Mass transit is a way of life for so many Americans. Our subways, trolleys, buses, and ferries carry millions of us to work each day, to shop, to sporting events, and to see friends and family. The speed, reliability, and convenience of mass transit has become a part of the cultural fabric of this Nation and helps to make us as mobile a Nation as we are.

Unfortunately, transit systems pose one of the greatest challenges to security experts—a challenge that calls for the attention of our Nation's best and brightest minds and should be a much bigger priority for the Federal Government than it is has been.

After the London bombings last July, our committee led a bipartisan investigation of the state of mass transit systems in the United States, culminating in a hearing on September 21, 2005. Chairman COLLINS and I examined the vulnerability of those systems, the threats to them, and the level and types of attention that our governments should devote to them.

Unlike airports, which are closed systems, rail and transit systems are open and carry seven times as many people in a year. With so many stops, stations, and lines, we cannot install airport security type checks at every subway station, bus stop, and rail terminal. Traffic would come to a dead halt.

But we can and must apply the ''can do, will do'' attitude we have adopted toward aviation security to mass transit and rail security. The amendments that we have added to this bill are an important step in that direction.

The first of these amendments is Senators SHELBY's and SARBANES' proposal to beef up the security of our public transportation systems. I proudly cosponsored this amendment because of my strong belief and conviction that we need to do all we can to secure our mass transit systems.

This week, the Commerce and Homeland Security Committees have put the interests of the country ahead of jurisdictional and party differences to work to improve the security of America's ports. That is real leadership.

The Shelby-Sarbanes amendment was adopted by the Senate in the same vein. The Banking and Homeland Security Committees also have put aside

their jurisdictional differences to promote the interests of the country first. If the Senate produced more legislation in this manner, perhaps the American public could suspend its cynicism about our overwhelming absorption with scoring political points.

The Shelby-Sarbanes amendment will authorize $3.5 billion in grants for mass transit security, including capital improvements, research and development, and operations.

This amendment is an authorization but it sets a marker for the Congress to fund these grant programs in the subsequent appropriations cycles.

The amendment also restores funding for the Public Transportation Information Sharing and Analysis Center, which is the vehicle for mass transit systems all over the country to share and analyze intelligence about threats to their sector, and defenses against them.

The second amendment I want to address is Senator MCCAIN's rail security amendment, which I also cosponsored. In fact, when my friend from Arizona introduced this amendment as a bill in the 108th Congress, I cosponsored it then. It will make marked improvements in the security of our passenger rail systems with an authorization of $1.2 billion. The amendment directs the Department of Homeland Security to complete and prioritize recommendations regarding vulnerability assessments for freight and passenger rail transportation systems. Notably, the amendment would benefit Amtrak and its thousands of daily riders in three direct ways.

The amendment also creates a pilot program to conduct random security screens of passengers and baggage at a specified number of Amtrak stations. It calls for certain fire and life-safety improvements and infrastructure upgrades to Amtrak tunnels on the Northeast Corridor. And it directs Amtrak to submit to the National Transportation Safety Board and the Secretary of Transportation a plan to address the needs of families of passengers involved in rail passenger accidents.

Combined, the authorizations contained within these two amendments are in line with the American Public Transportation Association's estimate that $7.2 billion is needed to secure the country's rail and transit systems.

Over the last few years, we have seen the decentralization of al-Qaida and with it the growth of homegrown terrorist activities directed toward the open, densely populated, and vulnerable mass transit and rail systems. I am pleased the Senate has accepted these amendments which will help cities and States defend against these deadly threats.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

THE CHARACTER OF THE SENATE

Mr. KERRY. Madam President, an awful lot has been written and enough has been said about the comments made yesterday by House majority leader JOHN BOEHNER. I am not interested in asking Mr. BOEHNER for a clarification or retraction or even an apology. His statement was very clear and I believe equally despicable. And his words are, frankly, beyond redemption. They are, however, sadly, what we have seen much too much of in politics today in our country.

So this is an opportunity today for the Senate to be the Senate. We talk here about ''my friend from across the aisle.'' We talk about the traditions of the Senate. We talk about civility. But in the last years, a lot of us have seen things happen here that never would have happened in the Senate of 15 or 20 years ago.

We have come a long way since the days when Bob Dole and George Mitchell refused to campaign against each other. I have seen colleagues say in the cloakroom that they thought it was wrong to see the courage of their friend, Max Cleland, attacked, but on the floor of the Senate there is silence.

I know there are good people here who still long for civility. I have heard it. I heard the junior Senator from Oregon say, just this summer: My soul cries out for something more dignified. My friend from Arizona, just this spring, said: The self-expression sometimes overwhelms our civility.

Well, this is one of those times. But I think it is more than that. I think it is an opportunity, in keeping with these pleas for civility, for some of our colleagues on the other side of the aisle to actually come to the floor and not just talk about civility but express the truth, to come here and condemn Mr. BOEHNER's remarks in no uncertain terms if they disagree with them. I think that is the real test of the kind of place we have become and the kind of politics we are willing to tolerate. It is a test of the character of the Senate. And I think every American would benefit from hearing where Republicans stand on Mr. BOEHNER's words expressed yesterday.

SENATOR BAUCUS'S 10,000TH VOTE

Mr. FRIST. Mr. President, may I have the attention of the Senate. On rollcall vote No. 244, the distinguished Senator from Montana and the current ranking member of the Finance Committee, Senator MAX BAUCUS, cast his 10,000th vote in this Chamber.

Senator BAUCUS now joins a very historic and select club of U.S. Senators who can claim this distinction. Only 26 other Senators have achieved this milestone.

From his post on the Finance Committee, Senator BAUCUS has worked on a bipartisan basis on many issues important to Montanans, from tax policy to health care reform. Legislating is the art of compromise, and in his 28 years of service Senator BAUCUS has mastered it.

A recent example that comes to mind is the Medicare prescription drug bill, which I sponsored. Without Senator BAUCUS's hard work and support, 31 million seniors wouldn't have the drug benefits they now enjoy.

Back home in Montana, Senator BAUCUS is affectionately known for his ''Work Days''—days he spends working a full day alongside Montanans at a local business.

Senator BAUCUS, I know I speak for all your fellow Senators, when I say congratulations on this achievement, but more importantly, thank you for your service to Montana, to your country, and importantly, to the United States Senate.

50TH ANNIVERSARY OF GOLINHARRIS

Mr. DURBIN. Mr. President, I rise today to congratulate a Chicago business on its 50th anniversary.

The public relations firm GolinHarris began as a six-person operation in Chicago in 1956. Fifty years later, GolinHarris is one of the world's leading public relations firms, with a client list that reads like a Who's Who of Business. It employs more than 450 professionals in 29 offices across the globe—from Brazil to Belgrade, Stockholm to Singapore—but, I am proud to say, GolinHarris continues to call Chicago home.

One thing about GolinHarris has not changed over these 5 decades and that is the strength of its leadership. Under the guidance of Chairman Al Golin who has helped shape the firm from its beginning, GolinHarris has developed a reputation as an outstanding corporate citizen and an innovator in an intensively competitive and fast-changing field.

I would like to extend my congratulations to Al Golin and the employees of GolinHarris on this milestone 50th anniversary and wish them continued success in the years to come.

INDUCTION OF JOE DUMARS

Mr. LEVIN. Mr President, I would like to make remarks about an American who has made many proud and achieved an incredible milestone this past weekend.

The person I am referring to is Joe Dumars who has been affiliated with the Detroit Pistons professional basketball franchise since he was drafted by the Pistons in 1985. This past Friday, Joe was inducted in the Naismith Memorial Basketball Hall of Fame in Springfield, MA. On behalf of all Michiganders and Pistons fans everywhere, I would like to congratulate Joe and his family on this great achievement.

Joe Dumars was born May 24, 1963, in Shrevepoint, LA. He attended Natchitoches High School and later McNeese State University, both also in Louisiana. He was the number eighth overall pick in the 1985 National Basketball Association—NBA—draft, selected by the Pistons for, among other things, his reputation to play defense.

In the NBA, Joe lived up to that reputation—often being called on by Pistons head coach Chuck Daly to guard the other team's best player. This was never more evident in the 1980s as the Pistons consistently bested the Chicago Bulls due in part to Joe Dumars' defense on a young guard named Michael Jordan. To this day, Michael Jordan says Joe Dumars was one of the best defenders he ever faced.

Always a team player, Joe Dumars became a pillar in the foundation of a Pistons team that went to the NBA finals three times in his career winning the championship twice in 1989 and 1990. Isiah Thomas, Bill Laimbeer, Dennis Rodman, John Salley, and Joe Dumars proved that defense wins championships, and Joe was personally rewarded as the NBA Finals MVP in 1989.

Joe Dumars retired as a player from the NBA in 1999 playing all 14 of his seasons with the Pistons. His career achievements include scoring 16,401 points, handing out 4,612 assists, grabbing 2,203 rebounds, and recording 903 steals. He was named to the NBA All-Star team six times and to the NBA All Defensive first team four times during his career. Joe's jersey was retired by the Pistons the year after he retired and it now hangs high in the rafters of the Palace of Auburn Hills.

Although Joe's playing career was now over, his enthusiasm and love of the game never diminished, so he took a job in 2000 with the Pistons in their front office as president of Basketball Operations. He was named NBA Executive of the Year in 2003 and put together the team that reached the NBA finals in 2004 and 2005. Winning the NBA championship in 2004 made Joe a key figure of all three Pistons' championships.

Friday in Springfield, MA, all of Joe's achievements earned him the ultimate recognition in his chosen profession. So to Joe, his family, his former teammates, and the entire Pistons organization, from this Pistons fan I say congratulations on a recognition well deserved.

SENATE SELECT COMMITTEE ON INTELLIGENCE OVERSIGHT

Mr. FEINGOLD. Mr. President, I join the vice chairman of the Intelligence Committee in expressing my concerns about the Committee's inability to conduct oversight of the President's illegal warrantless wiretapping program. Unfortunately, the administration's continued defiance of Congress is simply the latest in a series of efforts to hide its illegal activities and obscure the true extent of its power grab.

Let us not forget how we got to this point. For 4 years, the administration conducted a plainly illegal program, eavesdropping on Americans on American soil without the warrants required under the Foreign Intelligence Surveillance Act, or FISA. During this time, the administration refused to inform the full congressional intelligence committees, in clear violation of the National Security Act.

Then, late last year, the program was revealed in the press. Rather than admit that it had broken the law and explain why it had done so, the administration used the occasion to embark on a coordinated and misleading public relations campaign. In speeches and press conferences, administration officials repeatedly asserted that domestic eavesdropping without a warrant was necessary to conduct surveillance of terrorist suspects, and it suggested that those committed to the rule of law were unconcerned about the terrorist threat.

Even the title the administration has bestowed upon its illegal behavior—the Terrorist Surveillance Program—is misleading. We already have a ''terrorist surveillance program.'' It is called FISA. It permits the surveillance of terrorist suspects in the United States, with the approval of a secret court, and it has been the law of the land for nearly 30 years.

Let us also not forget the administration's illegal defiance of congressional oversight. For 4½ years, including several months after the warrantless wiretapping program was revealed in the press, the administration violated the National Security Act by refusing to brief the congressional intelligence committees on the program. The administration began the briefings required by law only when it became clear that its defiance might complicate the nomination of General Hayden, who, as the then-Director of the NSA, implemented the program and had been nominated as the new Director of the CIA. Despite months of public discussion about the program by administration officials, the majority of the members of the Senate Intelligence Committee were briefed about the program for the first time only on the eve of General Hayden's confirmation hearing in May.

Those of us who hoped that this belated briefing marked a change in attitude—and a recognition of the administration's legal responsibilities—were quickly disappointed. That is why, later that month, the full Senate Intelligence Committee called on the administration to work with the committee so that we could conduct ongoing, thorough oversight over the operational, legal and budgetary aspects of the program. The cooperation requested by the Committee has not happened, however. And, as the vice chairman has pointed out, the administration continues to refuse to provide the committee with critical documents and information necessary to review the program.

The congressional intelligence committees review highly sensitive classified intelligence programs every day. That is their job. The vast majority of those programs have never been publicly disclosed. Yet the warrantless wiretapping program—which has been the subject of speeches, press conferences and public testimony by administration officials, making it the most widely examined, the most public program in NSA's history—is the one program the administration still refuses to explain fully to the congressional intelligence committees.

The vice chairman of the committee has described some of the materials that the administration has thus far refused to provide the committee—Presidential orders authorizing the program, legal reviews and opinions relating to the program, and procedures and guidelines on the use of information obtained through the program. All of these materials relate to the legality of the program. It is difficult to avoid the conclusion that the administration has stonewalled the committee's efforts to conduct oversight of this program not because the program is uniquely sensitive, but because it is illegal.

While the Intelligence Committee has been unable to conduct oversight of the warrantless surveillance program, the Judiciary Committee, which this morning reported out a bill that seeks to legalize the program, has been denied access to any information about the program. Attorney General Gonzales has provided testimony to the Judiciary Committee, but that testimony has been limited to a careful repetition of only what the President has already publicly acknowledged. As a result, the Judiciary Committee does not have access to information it needed before it should even have begun considering legislation, including many of the legal documents denied the Intelligence Committee. The Judiciary Committee was left to legislate in the dark, with many members blindly seeking to legalize illegal behavior without even an understanding of whether those changes are actually necessary.

And now, we face the prospect that the full Senate may consider legislation related to the program. It is bad enough to have a committee legislate in the dark. But having the entire Senate debate legislation when just a few Senators—those on the Intelligence

Committee—have any information at all on the subject of the legislation only makes things worse.

In the rush to rubberstamp the administration's unconstitutional power grab, Congress could end up turning the legislative process on its head. As an institution, and as elected representatives of the American people, it is our responsibility to make sure the President complies with the law. Instead, Republican leaders are rushing to make sure the law complies with the President. That is far from the ringing affirmation of the rule of law that we should expect from Congress in response to the administration's lawbreaking.

If Congress and the administration are going to take seriously their respective responsibilities, four things must happen. First, the congressional intelligence committees must demand that the administration provide documents and information related to the warrantless surveillance program and insist on the same kind of thorough oversight to which other intelligence programs are subject. The National Security Act requires that the committees be kept fully and currently informed of all intelligence programs. It is long past time for the administration to respect the spirit of that law.

Second, the administration must provide the information the Judiciary Committee needs about the program so that it can reconsider the uninformed and dangerous legislation reported out this morning. That does not mean the Judiciary Committee has to see operational details about the program. It does mean it needs to understand the basics of the program and the administration's contemporaneous legal justifications throughout the duration of the program. Certainly, the Judiciary Committee should not even have begun to consider expanding FISA before it received an explanation from the administration as to why it was unwilling to comply with current law. The administration has never provided that explanation because, in my view, it cannot. From what I have seen as a member of the Intelligence Committee, the surveillance that the administration says is necessary to protect this country can be accommodated without violating FISA.

We can listen in on terrorist suspects without surrendering the basic principle of individualized warrants. We can be secure without having to accept unchecked executive power. We can effectively fight terrorism without sacrificing the rights and freedoms that make this country the greatest beacon for individual liberty in the history of the world.

The mere assertion by the President that FISA no longer applies cannot be the basis for eradicating 30 years of law and jurisprudence. Congress should demand answers before deciding whether and how to amend FISA.

This leads me to my third point—that the Judiciary Committee should carefully and thoroughly consider any specific proposals for improving the FISA law, closely examining whether they are justified. Despite the action this morning, we have not done that yet. Recent testimony by Generals Alexander and Hayden provided some possible suggestions as to ways that FISA might be modernized—the kinds of suggestions that should have been made years ago. Congress should encourage more such exchanges, and should consider major revisions to FISA only after it can fully assess the need for such legislation as well as its ultimate impact. By rushing to legitimize and legalize domestic surveillance that does not comply with the FISA law, Congress only short-circuits this process.

And fourth, regardless of current oversight and legislative efforts, the President needs to be held accountable for breaking the law. His domestic warrantless wiretapping program is illegal. The legal arguments put forward to justify the program are as dubious today as they were when they were made last December, particularly in light of the recent Supreme Court decision in Hamdan. The President's failure to inform the full congressional intelligence committees about the program for years was also illegal, and his subsequent decision to provide only limited information about the program to the intelligence committees at the least violates the spirit of the National Security Act. And the President continues, to this day, to mislead the country about terrorist surveillance and FISA. For these reasons, Congress should censure the President. The challenging and crucial work of defending our Nation against a determined enemy demands a return to the rule of law. We are stronger as a law-abiding country, not weaker.

We should be working together to protect America. The President's power grab has been a long and costly distraction. It has undermined a preexisting consensus about how to defend our country and its democratic traditions. It has resulted in a completely unnecessary stand-off between the executive branch and Congress. And it has resulted in an administration publicly making the untenable argument that the laws passed by Congress can be ignored.

None of this was inevitable. And it can all be resolved, if only we take a step back and remember the principles on which our system of government was based. The balance of powers enshrined in the Constitution and the freedoms contained in the Bill of Rights are not impediments to our national security. They are our strength. We can and must fight terrorism aggressively without undermining the rule of law on which this country stands.

HONORING OUR ARMED FORCES

STAFF SERGEANT KENNETH JENKINS

Mrs. LINCOLN. Mr. President, I rise today in tribute to a brave young man from my home State of Arkansas. SSG Kenneth Jenkins was a loving son, a devoted husband, and a loyal friend. He was also an American hero, who fulfilled his lifelong ambition of honorably and courageously serving our nation in uniform. In doing so, he was to make the ultimate sacrifice in the name of freedom.

Those who knew him best tell of a special young man who always placed his friends and family above all else. Always dependable, he was the type of person who would give you the shirt off of his back if needed. It was this generosity and goodwill that endeared him to others. They were also the traits that allowed him to form new bonds quickly with everyone he met and with everyone he served.

On July 1, 1999, Staff Sergeant Jenkins fulfilled his aspiration to serve our Nation in uniform by enlisting in the U.S. Army. Soon after completing his training, he was deployed for various missions around the world, which took him to such countries as Bosnia, Kosovo, Macedonia, and Cuba. Throughout his service, he was a soldier's soldier, grateful to serve and proud of his role in helping to defend the people and the country that he loved. It came as no surprise that Staff Sergeant Jenkins answered his Nation's call for duty in Operation Iraqi Freedom, completing a full tour of duty and returning for a second.

In Iraq, he served with the 3rd Battalion, 67th Armor Regiment of the 4th Infantry Division. Tragically, while conducting operations in Baghdad on August 12, his humvee came under attack by enemy forces and sustained small arms fire. He later died from injuries sustained in that battle. He was scheduled to return home in November.

Staff Sergeant Jenkins was laid to rest with full military honors in Killeen, TX. Posthumously, he was awarded a Bronze Star and a Purple Heart for his courageous service. A few miles away, his fellow soldiers held a separate memorial ceremony at Fort Hood in honor of Jenkins and the five other 4th Infantry Division soldiers who were killed in Iraq during the month of July.

It is with a heavy heart that we mourn the loss of yet another brave soldier from Arkansas. While Kenneth Jenkins may no longer be with us, I pray that we may find some sense of solace knowing that his spirit will live on forever in the hearts of those whose lives he touched. The way he lived his life is truly an example for us all. My thoughts and prayers are with his wife Brandy Jenkins, his sister Stephanie Richard, his brother Mack Jenkins, his parents, and with all those who knew and loved this special young man.

ADDITIONAL STATEMENTS

TRIBUTE TO NICK WALTERS

• Mr. LOTT. Mr. President, I want to take a moment and wish best of luck to a accomplished, young and promising Mississippian who is leaving Federal service to pursue private sector opportunities.

Nick Walters, originally of Wiggins, MS, was appointed as Mississippi's USDA rural development director by President George Bush in 2001. Since then, Nick has done a great job supporting Mississippi's communities, helping to secure resources needed for public facilities, utilities and for economic development.

This is a key Federal position for my State. As Nick likes to say, this is the ''non-farm,'' or ''non-food'' part of USDA. It's about new water and waste water systems, so people can have clean, dependable running water. It's about new community centers, town halls, and even high-tech or educational assets like broadband service, telemedicine and long-distance learning.

Since taking office, Nick has presented scores of oversized checks, in countless photos for local papers telling stories about a new water tower or a new police car or fire truck.

Some people might think these things are small, and they often are in terms of Federal dollars. But these modest services will reverberate for years to come. As Nick says: USDA rural development is really about economic development, helping to encourage and sustain job creation—paving the way for communities to grow.

Nick has helped administer more than $100 million to Mississippi's cities and towns through this agency. He hasn't sat on laurels waiting for mayors, supervisors, town aldermen, or CEOs to approach him. Nick has been proactive, innovative, and he is actively sought cases and ways to meet individual community needs through USDA's various rural development programs.

We have all heard the old saying: ''Don't tell me what you can't do, tell me what you can do.'' That is been Nick Walters' approach to public service. His first inclination is to act. That is something we Mississippians appreciate. After Hurricane Katrina, we saw many Federal bureaucrats in FEMA and elsewhere strapped by indecision, blinded by tunnel vision, stuck on what they could not do, obsessed with the word ''no'' when they should have been saying ''yes.'' Nick isn't that type. He has provided a great example of what someone in this office can do using its authority to the utmost, and we're working hard to find a successor who will continue this strong leadership.

Nick Walters will be missed but my guess is that he will be back in public service one day. In what capacity? I don't know. That is a decision for him, his wife Lisa, and his young children, Porter and John Garrett.

But now with this success behind him and given his previous experience in the private sector, his work with former Mississippi Governor Kirk Fordice, his stint as chief of staff for the Mississippi Public Service Commission Nick Walters will be successful in wherever his endeavors may lead.

I hope my colleagues will join me in thanking Nick Walters for his exemplary service to the Federal Government and, more importantly, to America as Mississippi's USDA rural development director.

MURRAYHILL LITTLE LEAGUE ALL-STAR TEAM

• Mr. SMITH. Mr. President, I rise today to congratulate Oregon's Murrayhill 11 and 12-year-old Little League All-Star team. They recently placed second in the U.S. Little League World Series Championship, and third in the World Little League Championship.

On August 26, 2006, at Howard J. Lamade Stadium in South Williamsport, PA, Murrayhill capped a remarkable postseason, losing the United States Championship to Columbus Northern Little League from Georgia. Murrayhill was the first Oregon team in 48 years to qualify for the Little League World Series, and the first to ever reach the U.S. Championship game. On their road to the championship, they won the District 4, Oregon State, and Northwestern Regional Baseball Tournaments.

Murrayhill displayed great heart, outstanding teamwork, dedication, resilience, character, and sportsmanship throughout the tournament while achieving one of the highest honors in Little League Baseball.

This team of 11 and 12-year-olds brought pride to the State of Oregon with their remarkable run during this year's postseason. I ask my colleagues to join me in congratulating all the players involved in a hard-fought U.S. Little League World Series.•

TRIBUTE TO MONROE SWEETLAND

• Mr. WYDEN. Mr. President, today I pay tribute to the life of Monroe Sweetland—a visionary, a patriot, a statesman, and the father of the modern Democratic Party of Oregon. Monroe passed away Sunday, September 10, at the age of 96, having lived a very full life in pursuit of a better Oregon and a better Nation.

An Oregon native, Monroe was born in Salem in 1910. After attending law school, he returned to Oregon, and, following the Second World War, he worked tirelessly on behalf of the Democratic Party of Oregon, rebuilding the party from the ashes. Monroe was a strong Democrat, a proud partisan who stood with his party not out of any desire for influence or power but out of a belief in the values espoused. He seemed to know instinctively that if the party was strong in its values, then electoral success would follow. And on that basis, he worked to rebuild our party from the ground up.

A tireless worker on behalf of others' campaigns, he also held elected office, serving for 10 years in the State legislature, first as a member of the Oregon House of Representatives and then as a member of the Oregon Senate. Prior to that, in 1948, he was elected to the Democratic National Committee.

Given his strong partisan politics, some might think his most notable feat was converting U.S. Senator Wayne Morse, whose seat I now hold, to the Democratic Party—helping Senator Morse to see the light, as it were. But Monroe considered the passage of the Bilingual Education Act of 1968, a product of his work at the National Education Association, his most important accomplishment. What I will remember most about Monroe is the way he lived: his boundless optimism, his energy to get things done and his smile that would warm even the coldest room.

When I spoke with Monroe a few weeks ago, he was still the activist we all knew so well. The last thing we discussed was the November 2006 elections, and, since Monroe was constitutionally incapable of being anything other than optimistic, he did not want to discuss what-ifs about the outcome of the election; he only wanted to talk about the good that the Democratic Party will accomplish when it wins back the majority in Congress this fall.

Oregon and the Nation are better for having had Monroe Sweetland in the world. For 96 years, we were blessed with his presence on this small planet. Although life seems a little dimmer without him, I know my life is better for having known him.

I know Monroe is in heaven, and if I had to guess, I would say it is likely he is up there right now organizing the angels for further good deeds. Nothing on this Earth slowed him down and I don't expect that to change now that he has gone ahead to a better place.

A giant of politics in our State, and an even greater human being, Monroe will be sorely missed by all who knew him, and even more sorely missed, though they may never know it, by those who never had that opportunity.•

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:47 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S.3534. An act to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

At 2:48 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1773. An act to resolve certain Native American claims in New Mexico, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 138. An act to revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA–06P.

H.R. 479. An act to replace a Coastal Barrier Resources System map relating to Coastal Barrier Resources System Grayton Beach Unit FL–95P in Walton County, Florida.

H.R. 631. An act to provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe, and for other purposes.

H.R. 5094. An act to require the conveyance of Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, to the State of North Carolina to permit the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina.

H.R. 5381. An act to enhance an existing volunteer program of the United States Fish and Wildlife Service and promote community partnerships for the benefit of national fish hatcheries and fisheries program offices.

H.R. 5428. An act to designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the ''Joshua A. Terando Morris Post Office Building''.

H.R. 5434. An act to designate the facility of the United States Postal Service located at 40 South Walnut Street in Chillicothe, Ohio, as the ''Larry Cox Post Office''.

H.R. 5539. An act to reauthorize the North American Wetlands Conservation Act.

MEASURES REFERRED

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

H.R. 5428. An act to designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the ''Joshua A. Terando Princeton Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5434. An act to designate the facility of the United States Postal Service located at 40 South Walnut Street in Chillicothe, Ohio, as the ''Larry Cox Post Office''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 631. An act to provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 13, he had presented to the President of the United States the following enrolled bill:

S. 3534. An act to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. 660. A bill to provide for the acknowledgement of the Lumbee Tribe of North Carolina, and for other purposes (Rept. No. 109–334).

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2453. A bill to establish procedures for the review of electronic surveillance programs.

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 2455. A bill to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the 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.

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 3001. A bill to ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DOMENICI for the Committee on Energy and Natural Resources.

*Mark Myers, of Alaska, to be Director of the United States Geological Survey.

*John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement.

*David Longly Bernhardt, of Colorado, to be Solicitor of the Department of the Interior.

By Mr. INHOFE for the Committee on Environment and Public Works.

*William B. Wark, of Maine, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five year.

*William E. Wright, of Florida, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

*Stephen M. Prescott, of Oklahoma, to be a member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring April 15, 2011.

*Anne Jeannette Udall, of North Carolina, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation four a term expiring October 6, 2010.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duty constituted committee of the Senate.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ENSIGN (for himself and Mr. REID):

S. Res. 569. A resolution honoring the life of those who died in service to their country aboard the U.S.S. Enterprise on January 14, 1969; considered and agreed to.

By Mr. COBURN:

S. Con. Res. 114. A concurrent resolution providing for corrections to the enrollment of the bill S. 2590; considered and agreed to.

ADDITIONAL COSPONSORS

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1082

At the request of Mrs. HUTCHISON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1082, a bill to restore Second Amendment rights in the District of Columbia.

S. 1278

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1278, a bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes.

S. 1779

At the request of Mr. AKAKA, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1902

At the request of Mr. LIEBERMAN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1902, a bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children.

S. 2010

At the request of Mr. HATCH, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Rhode Island (Mr. REED) were added as cosponsors 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 elder abuse, neglect, and exploitation, and for other purposes.

S. 2076

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2076, a bill to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from New Hampshire (Mr. GREGG), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. KYL), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from North Carolina (Mr. BURR), the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. LOTT), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SESSIONS), the Senator from South Dakota (Mr. THUNE), the Senator from Louisiana (Mr. VITTER) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2322

At the request of Mr. ENZI, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2590

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. KYL), the Senator from North Carolina (Mr. BURR) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2599

At the request of Mr. VITTER, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 3128

At the request of Mr. BURR, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 3128, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 3500

At the request of Mr. THOMAS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3500, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 3696

At the request of Mr. BROWNBACK, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 3696, 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. 3771

At the request of Mr. HATCH, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from South Dakota (Mr. JOHNSON), the Senator from Iowa (Mr. GRASSLEY), the Senator from Nevada (Mr. ENSIGN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 3827

At the request of Mrs. LINCOLN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 3827, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 3855

At the request of Mr. CONRAD, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 3855, a bill to provide emergency agricultural disaster assistance, and for other purposes.

S. 3877

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 3877, a bill entitled the ''Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006''.

S. 3880

At the request of Mr. INHOFE, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 3880, a bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

S. 3887

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3887, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. RES. 559

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 559, a resolution calling on the President to take immediate steps to help stop the violence in Darfur.

AMENDMENT NO. 4928

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 4928 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 4930

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 4930 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 4945

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 4945 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

At the request of Mr. NELSON of Nebraska, the names of the Senator from Missouri (Mr. TALENT), the Senator from Vermont (Mr. LEAHY), the Senator from Illinois (Mr. OBAMA), the Senator from Illinois (Mr. DURBIN), the Senator from Minnesota (Mr. DAYTON), the Senator from New York (Mr. SCHUMER), the Senator from New York (Mrs. CLINTON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from

South Dakota (Mr. THUNE), the Senator from Minnesota (Mr. COLEMAN), the Senator from Montana (Mr. BURNS) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 4945 proposed to H.R. 4954, supra.

AMENDMENT NO. 4947

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 4947 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 4952

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4952 intended to be proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 4958

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 4958 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 4962

At the request of Mr. VOINOVICH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 4962 proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

AMENDMENT NO. 4963

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 4963 intended to be proposed to H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 569—HONORING THE LIFE OF THOSE WHO DIED IN SERVICE TO THEIR COUNTRY ABOARD THE U.S.S. ENTERPRISE ON JANUARY 14, 1969

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

S. RES. 569

Whereas, on the morning of January 14, 1969, an MK–32 Zuni rocket fixed to an F–4 Phantom on the U.S.S. Enterprise (CVN–65) was overheated due to the exhaust of a nearby aircraft causing the rocket to explode;

Whereas the initial explosion of the MK–32 Zuni rocket set off a chain reaction of explosions, thus causing the death of 28 sailors and injuries to 314 more;

Whereas the servicemen killed include FA Paul Akers, AN David M. Asbury, LTJG Carl D. Berghult, LTJG James H. Berry, AO3 Richard W. Bovaird, AE3 Patrick L. Bulingham, AMS3 James R. Floyd Jr., AN Ernest L. Foster, ABHAN Delbert D. Girty, AEC Ronald E. Hay, ASH3 Roger L. Halbrook, AN Dole L. Hunt, ALAN Donald R. Lacy, ADJ3 Armando Limon, AME3 Dennis E. Marks, ABH1 James Martineau, ALAN Joseph C. Mason, AN Dennis R. Milburn, AN Joseph W. Oates, LTJG Buddy D. Pyeatt, ABE3 Jacob J. Quintis, BM2 James C. Snipes, AN Russell J. Tyler, AN Lavern R. Von Feldt, AN Robert C. Ward Jr., AN John R. Webster, ASM2 Henry S. Yates Jr., and AMS3 Jerome D. Yoakum;

Whereas the U.S.S. Enterprise, also known as ''the Big E'', was the world's first nuclear-powered aircraft carrier, and changed forever the face of maritime warfare;

Whereas the U.S.S. Enterprise, commissioned on November 25, 1961, is the world's longest aircraft carrier, measuring 1,123 feet, and remains in service docked at its home in Norfolk, Virginia; and

Whereas those who perished aboard the U.S.S. Enterprise on January 14, 1969, served their country bravely: Now, therefore, be it

Resolved, That the Senate honors the life and legacy of those who bravely served aboard the U.S.S. Enterprise (CVN–65), especially those who gave their lives in service to the United States on January 14, 1969.

SENATE CONCURRENT RESOLUTION 114—PROVIDING FOR CORRECTIONS TO THE ENROLLMENT OF THE BILL S. 2590

Mr. COBURN submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 114

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill S. 2590, the Secretary of the Senate shall make the following corrections:

(1) In section 2(a), strike paragraphs (2) and (3) and insert the following:

''(2) FEDERAL AWARD.—The term 'Federal award'—

''(A) means Federal financial assistance and expenditures that—

''(i) include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

''(ii) include contracts, subcontracts, purchase orders, task orders, and delivery orders;

''(B) does not include individual transactions below $25,000; and

''(C) before October 1, 2008, does not include credit card transactions.

''(3) SEARCHABLE WEBSITE.—The term 'searchable website' means a website that allows the public to—

''(A) search and aggregate Federal funding by any element required by subsection (b)(1);

''(B) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(i), by fiscal year;

''(C) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(ii), by fiscal year; and

''(D) download data included in subparagraph (A) included in the outcome from searches.''.

(2) In section 2(b)(1), strike ''section and section 204 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note),'' and insert ''section, section 204 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note), and the Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.),''.

(3) In section 2, strike subsection (c) and insert the following:

''(c) WEBSITE.—The website established under this section—

''(1) may use as the source of its data the Federal Procurement Data System, Federal Assistance Award Data System, and Grants.gov, if all of these data sources are searchable through the website and can be accessed in a search on the website required by this Act, provided that the user may—

''(A) specify such search shall be confined to Federal contracts and subcontracts;

''(B) specify such search shall be confined to include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

''(2) shall not be considered in compliance if it hyperlinks to the Federal Procurement Data System website, Federal Assistance Award Data System website, Grants.gov website, or other existing websites, so that the information elements required by subsection (b)(1) cannot be searched electronically by field in a single search;

''(3) shall provide an opportunity for the public to provide input about the utility of the site and recommendations for improvements;

''(4) shall be updated not later than 30 days after the award of any Federal award requiring a posting; and

''(5) shall provide for separate searches for Federal awards described in subsection (a) to distinguish between the Federal awards described in subsection (a)(2)(A)(i) and those described in subsection (a)(2)(A)(ii).''.

(4) Add at the end the following:

''SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE REPORTING REQUIREMENT.

''Not later than January 1, 2010, the Comptroller General shall submit to Congress a report on compliance with this Act.''

AMENDMENTS SUBMITTED AND PROPOSED

SA 4965. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table.

SA 4966. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4967. Mrs. MURRAY (for Ms. STABENOW (for herself, Mr. LIEBERMAN, Mr. LEVIN, Mr. SCHUMER, Mr. DURBIN, Mrs. BOXER, and Mr. DAYTON)) proposed an amendment to the bill H.R. 4954, supra.

SA 4968. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4969. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4970. Mr. DEMINT proposed an amendment to the bill H.R. 4954, supra.

SA 4971. Mr. MCCAIN (for himself, Mrs. BOXER, Mr. LAUTENBERG, Mrs. CLINTON, Mr. DEWINE, Mr. GRAHAM, Mr. WARNER, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4972. Mr. OBAMA (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4973. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4974. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

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

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

SA 4977. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4978. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4979. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4980. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4981. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4982. Mr. COLEMAN (for himself, Ms. COLLINS, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4983. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4984. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

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

SA 4986. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4987. Mr. LAUTENBERG (for himself, Mr. OBAMA, Mr. KERRY, Mr. BIDEN, Mr. MENENDEZ, Mr. DURBIN, Mrs. BOXER, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4988. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

SA 4989. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4990. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

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

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

SA 4993. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4994. Mr. MCCAIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4995. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4996. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4997. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4998. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 4999. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. BIDEN, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra.

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

SA 5001. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

SA 5002. Mr. LIEBERMAN (for himself, Mr. STEVENS, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 4954, supra; which was ordered to lie on the table.

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

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

SA 5005. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table.

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

TEXT OF AMENDMENTS

SA 4965. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. OVERNIGHT AIR TRAFFIC CONTROLLER OPERATIONS.

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

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

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

SA 4966. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING PROGRAM.

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

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

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

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

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

SA 4967. Mrs. MURRAY (for Ms. STABENOW (for herself, Mr. LIEBERMAN, Mr. LEVIN, Mr. SCHUMER, Mr. DURBIN, Mrs. BOXER, and Mr. DAYTON)) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. EMERGENCY COMMUNICATIONS AND INTEROPERABILITY GRANTS.

(a) IN GENERAL.—The Secretary, through the Office of Domestic Preparedness of the Office of State and Local Government Preparedness and Coordination, shall make grants to States, eligible regions, and local governments for initiatives necessary to improve emergency communications capabilities and to achieve short-term or long-term solutions to statewide, regional, national, and, where appropriate, international interoperability.

(b) USE OF GRANT FUNDS.—A grant awarded under subsection (a) may be used for initiatives to achieve short-term or long-term solutions for emergency communications and interoperability within the State or region and to assist with any aspect of the communication life cycle, including—

(1) statewide or regional communications planning;

(2) system design and engineering;

(3) procurement and installation of equipment;

(4) training exercises;

(5) modeling and simulation exercises for operational command and control functions; and

(6) other activities determined by the Secretary to be integral to the achievement of emergency communications capabilities and communications interoperability.

(c) DEFINITIONS.—In this section—

(1) the term ''eligible region'' means—

(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes, or other general purpose jurisdictions that—

(i) have joined together to enhance emergency communications capabilities or communications interoperability between emergency response providers in those jurisdictions and with State and Federal officials; and

(ii) includes the largest city in any metropolitan statistical area or metropolitan division, as those terms are defined by the Office of Management and Budget; or

(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued under Homeland Security Presidential Directive 8; and

(2) the terms ''emergency response providers'' and ''local government'' have the meanings given the terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000,000 for each of fiscal years 2007 through 2011; and

(2) such sums as are necessary for each fiscal year thereafter.

SA 4968. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 27, between lines 20 and 21, insert the following:

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

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

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

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

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

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

SA 4969. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY ON THE COMPETITIVENESS OF UNITED STATES PORT TERMINAL OPERATORS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, in consultation with the Secretary of the Treasury, the Commissioner, the Administrator of the Maritime Administration, the Secretary of Transportation, and the United States Trade Representative, conduct a study into the decline in the number of United States persons that operate United States port terminals. The study shall—

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

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

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

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

(1) a United States citizen; and

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

SA 4970. Mr. DEMINT proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(xii) murder;

''(xiii) assault with intent to murder;

''(xiv) espionage;

''(xv) sedition;

''(xvi) kidnapping or hostage taking;

''(xvii) treason;

''(xviii) rape or aggravated sexual abuse;

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

''(xx) extortion;

''(xxi) armed or felony unarmed robbery;

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

''(xxiii) felony arson;

''(xxiv) a felony involving a threat;

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

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

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

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

SA 4971. Mr. MCCAIN (for himself, Mrs. BOXER, Mr. LAUTENBERG, Mrs. CLINTON, Mr. DEWINE, Mr. GRAHAM, Mr. WARNER, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, following the matter after line 25, insert the following:

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

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

(1) in subsection (a)—

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

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

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

SEC. 115. INTEROPERABLE EMERGENCY COMMUNICATIONS.

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

''(d) INTEROPERABLE COMMUNICATIONS SYSTEM EQUIPMENT DEPLOYMENT.—

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

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

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

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

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

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

''(2) ALLOCATION OF FUNDS.—

''(A) IN GENERAL.—Any funds or portion of funds allocated pursuant to paragraph (1) shall be distributed to a State, municipality, or public safety agency based on the threat and risk factors used by the Secretary for the purposes of allocating discretionary grants under the heading '**OFFICE FOR DOMESTIC PREPAREDNESS, STATE AND LOCAL PROGRAMS**' in the Department of Homeland Security Appropriations Act, 2006.

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

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

''(4) REQUIRED DISCLOSURES.—

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

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

SA 4972. Mr. OBAMA (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 87, after line 18, add the following:

SEC. 407. EVACUATION IN EMERGENCIES.

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

(b) EVACUATION PLANS FOR INDIVIDUALS WITH SPECIAL NEEDS.—The Secretary, acting through the Office of State and Local Government Coordination and Preparedness, shall take appropriate actions to ensure that each State, as that term is defined in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)), requires appropriate State and local government officials to develop detailed and comprehensive pre-disaster and post-disaster plans for the evacuation of individuals with special needs, including the elderly, disabled individuals, low-income individuals and families, the homeless, and individuals who do not speak English, in emergencies that would warrant their evacuation, including plans for the provision of food, water, and shelter for evacuees.

(c) REPORT TO CONGRESS.—

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

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

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

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

SA 4973. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NUCLEAR RELEASE NOTICE REQUIREMENT.

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

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

''(1) REGULATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

SA 4974. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, after line 18, add the following:

SEC. 407. CONTAMINANT PREVENTION, DETECTION, AND RESPONSE.

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

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

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

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

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

''(B) insufficient funding for effective implementation;

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

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

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

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

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

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

SA 4975. Mr. BIDEN proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE V—HOMELAND SECURITY TRUST FUND

SEC. 501. SHORT TITLE.

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

SEC. 502. FINDINGS.

The Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(17) The Council on Foreign Relations released a report entitled, ''Emergency First Responders: Drastically Underfunded, Dangerously Unprepared'', in which the Council found that ''America's local emergency responders will always be the first to confront a terrorist incident and will play the central role in managing its immediate consequences. Their efforts in the first minutes and hours following an attack will be critical to saving lives, establishing order, and preventing mass panic. The United States has both a responsibility and a critical need to provide them with the equipment, training, and other resources necessary to do their jobs safely and effectively.''.

(18) The Council further concluded that many State and local emergency responders, including police officers and firefighters, lack the equipment and training needed to respond effectively to a terrorist attack involving weapons of mass destruction.

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

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

(21) The Federal Government has a responsibility to ensure that the people of the United States are protected to the greatest possible extent against a terrorist attack, especially an attack that utilizes nuclear, chemical, biological, or radiological weapons, and consequently, the Federal Government has a critical responsibility to address the equipment, training, and other needs of State and local first responders.

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

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

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

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

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

SEC. 503. DEFINITIONS.

In this Act—

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

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

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

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

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

(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures for fiscal years 2007 through 2011 to meet those obligations of the United States incurred which are authorized under section 5 of this Act for such fiscal years.

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

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

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

SEC. 505. PREVENTING TERROR ATTACKS ON THE HOMELAND.

(a) SUPPORTING LAW ENFORCEMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) EFFECTIVELY UTILIZING NEW TECHNOLOGIES.—

(1) STREAMLINING INFORMATION AND PROCESSES.—

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

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

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

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

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

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

(B) REPORTS.—

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

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

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

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

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

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

(ii) REPORT ON INCENTIVES FOR INFORMATION SHARING.—

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

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

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

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

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

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

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

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

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

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

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

(2) UTILIZING SCREENING TECHNOLOGIES.—

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

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

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

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

(B) REPORTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) PROTECTING CRITICAL INFRASTRUCTURE AND ELIMINATING THREATS.—

(1) HARDENING SOFT TARGETS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) PREVENTION OF DELAY IN REASSIGNMENT OF 24 MEGAHERTZ FOR PUBLIC SAFETY PURPOSES.—Section 309(j)(14) of the Communications Act of 1934 (47 20 U.S.C. 309(j)(14)) is amended by adding at the end the following:

''(E) Notwithstanding subparagraph (B), the Commission shall not grant any extension under that subparagraph from the limitation of subparagraph (A) with respect to the frequencies assigned, under section 337(a)(1), for public safety services. The Commission shall take all actions necessary to complete assignment of the electromagnetic spectrum between 764 and 776 megahertz, inclusive, and between 794 and 806 megahertz, inclusive, for public safety services and to permit operations by public safety services on those frequencies commencing not later than January 1, 2007.''.

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

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

(A) $100,000,000 for each of fiscal years 2007 through 2011 to the President for the Economic Support Fund to provide technical assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to foreign countries to assist such countries in preventing the financing of terrorist activities;

(B) $200,000,000 for each of fiscal years 2007 through 2011 to the President for development assistance for international education programs carried out under sections 105 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151c and 2293);

(C) $50,000,000 for each of fiscal years 2007 through 2011 to the President for the United States contribution to the International Youth Opportunity Fund authorized under section 7114 of the 9/11 Commission Implementation Act of 2004 (Public Law 108–458) for international education programs;

(D) $100,000,000 for each of fiscal years 2007 through 2011 to the President for the Economic Support Fund for activities carried out under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to promote democracy, good governance, political freedom, independent media, women's rights, private sector development, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia;

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

(F) $100,000,000 for each of the fiscal years 2007 through 2011 to the President to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), and the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) for international broadcasting operations;

(G) $200,000,000 for each of the fiscal years 2007 through 2011 to the Department of State to carry out public diplomacy programs of the Department under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act;

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

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

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

(2) REPORTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the relevant congressional committees a report the United States's support of Pakistan's efforts against extremists, as recommended by the Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(G) REPORT ON INTERNATIONAL BROADCASTING.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the relevant congressional committees a report analyzing the success of Radio Sawa and Radio Al-Hurra, as recommended by the Commission.

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

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

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

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

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

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

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

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

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

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

(I) REPORT ON TERRORIST TRAVEL STRATEGY.—

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

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

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

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

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

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

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

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

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

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

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

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

(2) REPORT ON COMPREHENSIVE SCREENING SYSTEM.—

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

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

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

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

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

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

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

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

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

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

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

(4) REPORT ON THE NATIONAL COUNTERTERRORISM CENTER.—

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

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

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

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

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

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

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

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

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

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

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

(6) REPORT ON HOMELAND AIRSPACE DEFENSE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) REPORT ON EFFORTS AGAINST TERRORIST FINANCING.—

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

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

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

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

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

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

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the relevant congressional committees a report international collaboration on borders and document security, as recommended by the Commission.

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

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

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

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

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

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Health and Human Services shall each submit to the relevant congressional committees a report on the standardization of secure identification, as recommended by the Commission.

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

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

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

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

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

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

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

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

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

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

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

(17) REPORT ON AIRLINE PASSENGER PRESCREENING.—

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

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

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

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

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

SA 4976. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. MAN-PORTABLE AIR DEFENSE SYSTEMS.

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

(b) DEFINITION OF MANPADS.—In this section, the term ''MANPADS'' means—

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

(2) any other surface-to-air missile system designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.

SA 4977. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 501. APPLICATION TO LAND PORTS.

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

SA 4978. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. BLAST-RESISTANT CONTAINERS.

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

SA 4979. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. STUDY OF UNSAFE PESTICIDE CHEMICAL RESIDUES IN GINSENG AND PRODUCTS CONTAINING GINSENG.

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

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

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

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

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

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

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

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

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

SA 4980. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMERGENCY COMMUNICATIONS AND INTEROPERABILITY GRANTS.

(a) IN GENERAL.—The Secretary, through the Office of Domestic Preparedness of the Office of State and Local Government Preparedness and Coordination, may make grants to States, eligible regions, and local governments for initiatives necessary to improve emergency communications capabilities and to achieve short-term or long-term solutions to statewide, regional, national, and, where appropriate, international interoperability.

(b) USE OF GRANT FUNDS.—A grant awarded under subsection (a) may be used for initiatives to enhance interoperable communications within the State or region and to assist with any aspect of the interoperable communications life cycle, including—

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

(2) system design and engineering;

(3) procurement and installation of equipment;

(4) training exercises;

(5) modeling and simulation exercises for operational command and control functions; and

(6) other activities determined by the Secretary to be integral to the achievement of emergency communications capabilities and communications interoperability.

(c) DEFINITIONS.—In this section—

(1) the term ''eligible region'' means—

(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes, or other general purpose jurisdictions that—

(i) have joined together to enhance emergency communications capabilities or communications interoperability between emergency response providers in those jurisdictions and with State and Federal officials; and

(ii) includes the largest city in any metropolitan statistical area or metropolitan division, as those terms are defined by the Office of Management and Budget; or

(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued under Homeland Security Presidential Directive 8; and

(2) the terms ''emergency response providers'' and ''local government'' have the meanings given the terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000,000 for each of fiscal years 2007 through 2011; and

(2) such sums as are necessary for each fiscal year thereafter.

SA 4981. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL EMERGENCY TELEMEDICAL COMMUNICATIONS.

(a) TELEHEALTH TASK FORCE.—

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

(2) FUNCTIONS.—The Task Force shall—

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

(i) the specific location of network components;

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

(iii) the functionality of such components;

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

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

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

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

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

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

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

(A) relevant Federal agencies;

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

(C) professional associations specializing in health care; and

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

(4) MEETINGS AND REPORTS.—

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

(B) REPORT.—

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

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

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

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

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

(1) PROGRAM AUTHORIZED.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Rapid emergency response and coordination.

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

(C) Environmental monitoring.

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

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

(F) Training of responders.

(G) Development of an advanced distributive learning network.

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

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

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

SA 4982. Mr. COLEMAN (for himself, Ms. COLLINS, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

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

SEC. 233. SCREENING AND SCANNING OF CARGO CONTAINERS.

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

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

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

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

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

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

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

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

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

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

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

SA 4983. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, between lines 8 and 9, insert the following:

(d) CONTAINER SCANNING TECHNOLOGY GRANT PROGRAM.—

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

(2) CONTAINER SECURITY RESEARCH TRUST FUND.—

(A) AUTHORIZATION.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a system for collecting an additional fee from shippers of containers entering the United States in an amount sufficient to fully fund the grant program established under this section. All amounts collected pursuant to this subparagraph shall be deposited into the Container Security Research Trust Fund.

(B) CONTAINER SECURITY RESEARCH TRUST FUND.—There is established in the Treasury of the United States a trust fund, to be known as the ''Container Security Research Trust Fund'', consisting of such amounts as are collected pursuant to subparagraph (A).

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

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

SA 4984. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. APPLICATION TO LAND PORTS.

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

SA 4985. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place, insert the following:

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

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

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

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

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

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

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

SA 4986. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE V—METHAMPHETAMINE

SEC. 501. METHAMPHETAMINE AND METHAMPHETAMINE PRECURSOR CHEMICALS.

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

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

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

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

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

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

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

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

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

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

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

SA 4987. Mr. LAUTENBERG (for himself, Mr. OBAMA, Mr. KERRY, Mr. BIDEN, Mr. MENENDEZ, Mr. DURBIN, Mrs. BOXER, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—REGULATION OF CHEMICAL FACILITIES

SEC. 501. SHORT TITLE.

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

SEC. 502. REGULATION OF CHEMICAL FACILITIES.

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

"TITLE XVIII—REGULATION OF CHEMICAL FACILITIES

"SEC. 1801. DEFINITIONS.

''In this title, the following definitions apply:

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

''(A) employee background checks;

''(B) employee training;

''(C) personnel security measures;

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

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

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

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

''(H) contingency and evacuation plans;

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

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

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

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

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

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

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

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

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

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

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

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

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

''(a) SUBSTANCES OF CONCERN.—

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

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

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

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

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

''(2) MATTERS FOR CONSIDERATION.—

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

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

''(b) LIST OF SIGNIFICANT CHEMICAL FACILITIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(A) be risk-based;

''(B) be performance-based; and

''(C) take into consideration—

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

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

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

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

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

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

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

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

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

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

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

''(i) physical security;

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

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

''(iv) communication systems;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(i) any vulnerabilities of the facility;

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

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

''(c) SECURITY PERFORMANCE REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(f) OTHER AUTHORITIES.—

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

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

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

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

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

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

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

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

''SEC. 1804. RECORD KEEPING; SITE INSPECTIONS.

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

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

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

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

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

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

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

''(2) implementing such a facility security plan.

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

''SEC. 1805. ENFORCEMENT.

''(a) SUBMISSION OF INFORMATION.—

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

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

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

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

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

''(b) REVIEW OF SECURITY PLAN.—

''(1) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(c) REPORTING PROCESS.—

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

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

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

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

problem, deficiency, or vulnerability identified in the report.

''(5) RETALIATION PROHIBITED.—

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

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

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

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

''SEC. 1806. PENALTIES.

''(a) ADMINISTRATIVE PENALTIES.—

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

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

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

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

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

''(b) CIVIL PENALTIES.—

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

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

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

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

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

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

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

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

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

''SEC. 1807. STATE AND OTHER LAWS.

''(a) IN GENERAL.—Nothing in this title shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance respecting chemical facility security that is more stringent than a regulation, requirement, or standard of performance in effect under this title, or shall otherwise impair any right or jurisdiction of the States with respect to chemical facilities within such States unless there is an actual conflict between a provision of this title and the law of the State.

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

''SEC. 1808. PROTECTION OF INFORMATION.

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

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

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

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

''(B) under any State or local law.

''(b) REGULATIONS.—

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

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

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

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

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

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

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

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

''(I) enable enforcement of this title; or

''(II) address an imminent and substantial threat to security.

''(c) OTHER OBLIGATIONS UNAFFECTED.—Nothing in this section affects any obligation of the owner or operator of a chemical facility to submit or make available information to facility employees, employee organizations, or a Federal, State, or local government agency under, or otherwise to comply with, any other law.

''(d) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this title shall be construed as authorizing the withholding of any information from Congress.

''(e) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this title shall be construed as affecting any authority or obligation of a Federal agency to disclose any record or information that the Federal agency obtains from a chemical facility under any other law.

''(f) PROTECTED INFORMATION.—For purposes of this section, protected information includes the following:

''(1) The criteria and data used by the Secretary to assign chemical facilities to risk-based tiers under section 1802 and the tier to which each such facility is assigned.

''(2) The vulnerability assessments and facility security plans submitted to the Secretary under this title.

''(3) Information concerning the security performance requirements for a chemical facility under section 1803(c).

''(4) Any other information generated or collected by a Federal, State, or local government agency or by a chemical facility for the purpose of carrying out or complying with this title—

''(A) that describes any vulnerability of a chemical facility to an act of terrorism;

''(B) that describes the assignment of any chemical facility to a risk-based tier under this title;

''(C) that describes any security measure (including any procedure, equipment, training, or exercise) for the protection of a chemical facility from an act of terrorism; or

''(D) the disclosure of which the Secretary determines would be detrimental to the security of any chemical facility.

''SEC. 1809. CERTIFICATION OF THIRD-PARTY ENTITIES.

''(a) CERTIFICATION OF THIRD-PARTY ENTITIES.—The Secretary may designate a third-party entity to carry out any function under subsection (e)(5) of section 1803, subsection (b) or (c) of section 1804, or subsection (b)(1) of section 1805.

''(b) QUALIFICATIONS.—The Secretary shall establish standards for the qualifications of third-party entities, including knowledge of physical infrastructure protection, cybersecurity, facility security plans, hazard analysis, engineering, and other such factors that the Secretary determines to be necessary.

''(c) PROCEDURES AND REQUIREMENTS FOR PRIVATE ENTITIES.—Before designating a third-party entity to carry out a function under subsection (a), the Secretary shall—

''(1) develop, document, and update, as necessary, minimum standard operating procedures and requirements applicable to such entities designated under subsection (a), including—

''(A) conducting a 90-day independent review of the procedures and requirements (or updates thereto) and the results of the analyses of such procedures (or updates thereto) pursuant to subtitle G of title VIII; and

''(B) upon completion of the independent review under subparagraph (A), designating any procedure or requirement (or any update thereto) as a qualified anti-terrorism technology pursuant to section 862(b);

''(2) conduct safety and hazard analyses of the standard operating procedures and requirements developed under paragraph (1);

''(3) conduct a review of the third party entities' previous business engagements to ensure that no contractual relationship has or will exist that could compromise their independent business judgment in carrying out any functions under subsection(e)(5) of section 1803, subsection (b) or (c) of section 1804, of subsection(b)(1) of section 1805; and

''(4) conduct a review of the third party entities' business practices and disqualify any of these organizations that offer related auditing or consulting services to chemical facilities as private sector vendors.

''(d) TECHNICAL REVIEW AND APPROVAL.—Not later than 60 days after the date on which the results of the safety and hazard analysis of the standard operating procedures and requirements are completed under subsection (c)(2), the Secretary shall—

''(1) complete a technical review of the procedures and requirements (or updates thereto) under sections 862(b) and 863(d)(2); and

''(2) approve or disapprove such procedures and requirements (or updates thereto).

''(e) EFFECT OF APPROVAL.—

''(1) ISSUANCE OF CERTIFICATE OF CONFORMANCE.—In accordance with section 863(d)(3), the Secretary shall issue a certificate of conformance to a third-party entity to perform a function under subsection (a) if the entity—

''(A) demonstrates to the satisfaction of the Secretary the ability to perform functions in accordance with standard operating procedures and requirements (or updates thereto) approved by the Secretary under this section;

''(B) agrees to—

''(i) perform such function in accordance with such standard operating procedures and requirements (or updates thereto); and

''(ii) maintain liability insurance coverage at policy limits and in accordance with conditions to be established by the Secretary pursuant to section 864; and

''(C) signs an agreement to protect the proprietary and confidential information of any chemical facility with respect to which the entity will perform such function.

''(2) LITIGATION AND RISK MANAGEMENT PROTECTIONS.—A third-party entity that maintains liability insurance coverage at policy limits and in accordance with conditions to be established by the Secretary pursuant to section 864 and receives a certificate of conformance under paragraph (1) shall receive all applicable litigation and risk management protections under sections 863 and 864.

''(3) RECIPROCAL WAIVER OF CLAIMS.—A reciprocal waiver of claims shall be deemed to have been entered into between a third-party entity that receives a certificate of conformance under paragraph (1) and its contractors, subcontractors, suppliers, vendors, customers, and contractors and subcontractors of customers involved in the use or operation of any function performed by the third-party entity under subparagraph (a).

''(4) INFORMATION FOR ESTABLISHING LIMITS OF LIABILITY INSURANCE.—A third-party entity seeking a certificate of conformance under paragraph (1) shall provide to the Secretary necessary information for establishing the limits of liability insurance required to be maintained by the entity under section 864(a).

''(f) MONITORING.—The Secretary shall regularly monitor and inspect the operations of a third-party entity that performs a function under subsection (a) to ensure that the entity is meeting the minimum standard operating procedures and requirements established under subsection (c) and any other applicable requirement under this section.

''(g) RESTRICTION ON DESIGNATION.—No individual may be designated to carry out any function under this title with respect to any facility with which that individual was affiliated as an officer, director, or employee during the three-year period preceding the date of such designation.

''SEC. 1810. METHODS TO REDUCE THE CONSEQUENCES OF A TERRORIST ATTACK.

''(a) METHOD TO REDUCE THE CONSEQUENCES OF A TERRORIST ATTACK.—For purposes of this section, the term 'method to reduce the consequences of a terrorist attack' includes—

''(1) input substitution;

''(2) catalyst or carrier substitution;

''(3) process redesign (including reuse or recycling of a substance of concern);

''(4) product reformulation;

''(5) procedure simplification;

''(6) technology modification;

''(7) use of less hazardous substances or benign substances;

''(8) use of smaller quantities of substances of concern;

''(9) reduction of hazardous pressures or temperatures;

''(10) reduction of the possibility and potential consequences of equipment failure and human error;

''(11) improvement of inventory control and chemical use efficiency; and

''(12) reduction or elimination of the storage, transportation, handling, disposal, and discharge of substances of concern.

''(b) ASSESSMENT REQUIRED.—

''(1) IN GENERAL.—The owner or operator of a facility assigned to the high-risk tier under section 1802(c)(4), shall conduct an assessment of methods to reduce the consequences of a terrorist attack on that chemical facility.

''(2) INCLUDED INFORMATION.—An assessment under this subsection shall include information on—

''(A) each method of reducing the consequences of a terrorist attack considered for implementation at the chemical facility, including—

''(i) the quantity of any substance of concern considered for reduction or elimination and the form of any considered replacement for such substance of concern; and

''(ii) any technology or process considered for modification and a description of the considered modification;

''(B) the degree to which each such method could, if implemented, reduce the potential extent of death, injury, or serious adverse effects to human health, and the environment; and

''(C) a description of any specific considerations that led to the implementation or rejection of each such method, including—

''(i) requirements under this title;

''(ii) cost;

''(iii) liability for a chemical facility terrorist incident;

''(iv) cost savings, including whether the method would eliminate or reduce other security costs or requirements;

''(v) the availability of a replacement for a substance of concern, technology, or process that would be eliminated or altered as a result of the implementation of the method;

''(vi) the applicability of any considered replacement for the substance of concern, technology, or process to the chemical facility; and

''(vii) any other factor that the owner or operator of the chemical facility considered in judging the practicability of each method to reduce the consequences of a terrorist attack.

''(3) DEADLINE.—The deadlines for submission and review of an assessment for a facility described in this subsection shall be the same as the deadline for submission and review of the facility security plan or relevant documents submitted to the Secretary by the facility for the purposes of complying with section 1803.

''(c) REVIEW AND IMPLEMENTATION.—

''(1) REVIEW.—Not later than 180 days after receiving an assessment described in subsection (b), the Secretary shall review the assessment and provide written notice to the owner or operator of a chemical facility required to conduct an assessment under subsection (b) if the Secretary determines that the assessment described in subsection (b) is inadequate.

''(2) CONSULTATION.—The Secretary shall consult with the heads of other Federal, State, and local agencies, including the Chemical Safety and Hazard Investigation Board and the Environmental Protection Agency, in determining whether the assessment described in subsection (b) is adequate.

''(3) IMPLEMENTATION.—The owner or operator of a chemical facility required to conduct an assessment under subsection (b) shall implement methods to reduce the consequences of a terrorist attack on the chemical facility if the Secretary determines, based on an assessment in subsection (b), that the implementation of methods to reduce the consequences of a terrorist attack at the high-risk chemical facility

''(A) would significantly reduce the risk of death, injury, or serious adverse effects to human health or the environment resulting from a terrorist release;

''(B) can feasibly be incorporated into the operation of the facility; and

''(C) would not significantly and demonstrably impair the ability of the owner or operator of the facility to continue the business of the facility.

''(4) RECONSIDERATION.—

''(A) IN GENERAL.—An owner or operator of a chemical facility that determines that it is unable to comply with the Secretary's determination under subsection (c)(3) shall, within 60 days of receipt of the Secretary's determination, provide to the Panel on Methods to Reduce the Consequences of a Terrorist Attack a written explanation that includes the reasons thereto.

''(B) REVIEW.—Not later than 60 days of receipt of an explanation submitted under subsection (c)(4)(A), the Panel on Methods to Reduce the Consequences of a Terrorist Attack, after an opportunity for the owner or operator of a chemical facility to meet with the Panel on Methods to Reduce the Consequences of a Terrorist Attack, shall provide a written determination regarding the adequacy of the explanation, and shall, if appropriate, include recommendations to the chemical facility that would assist the facility in its assessment and implementation.

''(C) NOTIFICATION.—Not later than 60 days after the date of the receipt of the written determination described under subsection (c)(4)(B), the owner or operator of the chemical facility shall provide to the Secretary written notification of the owner or operator's plans to implement methods to reduce the consequences of a terrorist attack recommended by the Panel on Methods to Reduce the Consequences of a Terrorist Attack.

''(D) COMPLIANCE.—If the facility does not implement the recommendations made by the Panel on Methods to Reduce the Consequences of a Terrorist Attack, the Secretary may, within 60 days of receipt of the plans described in (4)(C), issue an order requiring the owner or operator to implement such methods by a specified date.

''(E) PANEL ON METHODS TO REDUCE THE CONSEQUENCES OF A TERRORIST ATTACK.—The Panel on Methods to Reduce the Consequences of a Terrorist Attack shall be chaired by the Secretary (or the Secretary's designee) and shall include representatives, chosen by the Secretary, of other appropriate Federal and State agencies, independent security experts and the chemical industry.

''(d) ALTERNATIVE APPROACHES CLEARINGHOUSE.—

''(1) ESTABLISHMENT.—The Secretary shall establish a publicly available clearinghouse for the compilation and dissemination of information on the use and availability of methods to reduce the consequences of a terrorist attack at a chemical facility.

''(2) INCLUSIONS.—The clearinghouse required under paragraph (1) shall include information on—

''(A) general and specific types of such methods;

''(B) combinations of chemical sources, substances of concern, and hazardous processes or conditions for which such methods could be appropriate;

''(C) the availability of specific methods to reduce the consequences of a terrorist attack;

''(D) the costs and cost savings resulting from the use of such methods;

''(E) technological transfer;

''(F) the availability of technical assistance; and

''(G) such other information as the Secretary determines is appropriate.

''(3) COLLECTION OF INFORMATION.—The Secretary shall collect information for the clearinghouse—

''(A) from documents submitted by owners or operators pursuant to this title;

''(B) by surveying owners or operators who have registered their facilities pursuant to part 68 of title 40 Code of Federal Regulations (or successor regulations); and

''(C) through such other methods as the Secretary deems appropriate.

''(4) PUBLIC AVAILABILITY.—Information available publicly through the clearinghouse shall not identify any specific facility or violate the protection of information provisions under section 1808.

''(e) PROTECTED INFORMATION.—An assessment prepared under subsection (b) is protected information for the purposes of section 1808(f).

''SEC. 1811. ANNUAL REPORT TO CONGRESS.

''(a) ANNUAL REPORT.—Not later than one year after the date of enactment of the Chemical Facility Anti-Terrorism Act of 2006 and annually thereafter, the Secretary shall publish a report on progress in achieving compliance with this title, including—

''(1) an assessment of the effectiveness of the facility security plans developed under this title;

''(2) any lessons learned in implementing this title (including as a result of a red-team exercise); and

''(3) any recommendations of the Secretary to improve the programs, plans, and procedures under this title, including the feasibility of programs to increase the number of economically disadvantaged businesses eligible to perform third party entity responsibilities pursuant to sections 1803(e)(5), 1804(b) and (c), and 1805(b)(1).

''(b) PROTECTED INFORMATION.—A report under this section may not include information protected under section 1808.

''SEC. 1812. APPLICABILITY.

''This title shall not apply to—

''(1) any facility that is owned and operated by the Department of Defense, the Department of Justice, or the Department of Energy;

''(2) the transportation in commerce, including incidental storage, of any substance of concern regulated as a hazardous material under chapter 51 of title 49, United States Code; or

''(3) any facility that is owned or operated by a licensee or certificate holder of the Nuclear Regulatory Commission.

''SEC. 1813. SAVINGS CLAUSE.

''Nothing in this title is intended to affect section 112 of the Clean Air Act (42 U.S.C. 7412), the Clean Water Act, the Resource Conservation and Recovery Act, the National Environmental Policy Act of 1969, and the Occupational Safety and Health Act.

''SEC. 1814. OFFICE OF CHEMICAL FACILITY SECURITY.

''There is in the Department an Office of Chemical Facility Security. The head of the Office of Chemical Facility Security is responsible for carrying out the responsibilities of the Secretary under this title.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding at the end the following:

''TITLE XVIII—REGULATION OF CHEMICAL FACILITIES

''Sec. 1801. Definitions.
''Sec. 1802. Designation and ranking of chemical facilities.
''Sec. 1803. Vulnerability assessments and facility security plans.
''Sec. 1804. Record keeping; site inspections.
''Sec. 1805. Enforcement.
''Sec. 1806. Penalties.
''Sec. 1807. State and other laws.
''Sec. 1808. Protection of information.
''Sec. 1809. Certification of third-party entities.
''Sec. 1810. Methods to reduce the consequences of a terrorist attack.
''Sec. 1811. Annual report to Congress.
''Sec. 1812. Applicability.
''Sec. 1813. Savings clause.
''Sec. 1814. Office of Chemical Facility Security.

SEC. 503. REPORT TO CONGRESS.

(a) UPDATED REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives an update of the national strategy for the chemical sector that was required to be submitted by the Secretary to the Committee on Appropriations of the House of Representatives and the Committee of Appropriations of the Senate by not later than February 10, 2006.

(b) PROTECTED INFORMATION.—The report under subsection (a) may not include information protected under section 1808 of the Homeland Security Act of 2002, as added by this Act.

SEC. 504. INSPECTOR GENERAL REPORT.

(a) REPORT REQUIRED.—Not later than 1 year after the date on which regulations are issued under section 505(a), the Inspector General of the Department shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that reviews the effectiveness of the implementation of title XVIII of the Homeland Security Act of 2002, as added by this Act, including the effectiveness of facility security plans required under such title and any recommendations to improve the programs, plans, and procedures required under such title, including the feasibility of programs to increase the number of economically disadvantaged businesses eligible to perform third party entity responsibilities pursuant to sections 1803(e)(5), 1804(b) and (c), and 1805(b)(1) of such title.

(b) CLASSIFIED ANNEX.—The Inspector General may issue a classified annex to the report required under subsection (a), if the Inspector General determines a classified annex is necessary.

SEC. 505. DEADLINE FOR REGULATIONS.

(a) INTERIM FINAL RULE AUTHORITY.—Not later than 1 year after the date of enactment of this Act, and without regard to chapter 5 of title 5, United States Code, the Secretary of Homeland Security shall issue an interim final rule as a temporary regulation implementing section 1803(a) of the Homeland Security Act of 2002, as added by this Act. All regulations issued under the authority of this subsection that are not earlier superseded by final regulations shall expire not later than 2 years after the date of enactment of this Act.

(b) INITIATION OF RULEMAKING.—The Secretary may initiate a rulemaking to implement this title (including the amendments made by this title) as soon as practicable after the date of enactment of this Act. The final rule issued under that rulemaking may supersede the interim final rule promulgated under subsection (a).

SEC. 506. CHEMICAL FACILITY TRAINING PROGRAM.

(a) IN GENERAL.—Subtitle A of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361) is amended by adding at the end the following:

''SEC. 802. CHEMICAL FACILITY TRAINING PROGRAM.

''(a) IN GENERAL.—The Secretary, acting through the Departmental official with general responsibility for training and in coordination with components of the Department with chemical facility security expertise, shall establish a Chemical Facility Security Training Program (hereinafter in this section referred to as the 'Program') for the purpose of enhancing the capabilities of chemical facilities to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism.

''(b) REQUIREMENTS.—The Program shall provide voluntary training that—

''(1) reaches multiple disciplines, including Federal, State, and local government officials, chemical facility owners, operators and employees and governmental and nongovernmental emergency response providers;

''(2) utilizes multiple training mediums and methods;

''(3) addresses chemical facility security and facility security plans, including—

''(A) facility security plans and procedures for differing threat levels;

''(B) physical security, security equipment and systems, access control, and methods for preventing and countering theft;

''(C) recognition and detection of weapons and devices;

''(D) security incident procedures, including procedures for communicating with emergency response providers;

''(E) evacuation procedures and use of appropriate personal protective equipment; and

''(F) other requirements that the Secretary deems appropriate;

''(4) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other national initiatives;

''(5) includes consideration of existing security and hazardous chemical training programs including Federal or industry programs; and

''(6) is evaluated against clear and consistent performance measures.

''(c) NATIONAL VOLUNTARY CONSENSUS STANDARDS.—The Secretary shall—

''(1) support the promulgation, and regular updating as necessary of national voluntary consensus standards for chemical facility security training ensuring that training is consistent with such standards; and

''(2) ensure that the training provided under this section is consistent with such standards.

''(d) TRAINING PARTNERS.—In developing and delivering training under the Program, the Secretary shall—

''(1) work with government training programs, facilities, academic institutions, industry and private organizations, employee organizations, and other relevant entities that provide specialized, state-of-the-art training; and

''(2) utilize, as appropriate, training provided by industry, public safety academies, Federal programs, employee organizations, State and private colleges and universities, and other facilities.''

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 801 the following:

''Sec. 802. Chemical facility training program.''.

SA 4988. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

At the appropriate place insert the following:

TITLE —IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

SEC. —100. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Transportation Security Improvement Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —100. Short title; table of contents.
Sec. —101. Hazardous materials highway routing.
Sec. —102. Motor carrier high hazard material tracking.
Sec. —103. Hazardous materials security inspections and enforcement.
Sec. —104. Truck security assessment.
Sec. —105. National public sector response system.
Sec. —106. Over-the-road bus security assistance.
Sec. —107. Pipeline security and incident recovery plan.
Sec. —108. Pipeline security inspections and enforcement.

SEC. —101. HAZARDOUS MATERIALS HIGHWAY ROUTING.

(a) ROUTE PLAN GUIDANCE.—Within one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall—

(1) document existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier, and develop a framework for using a Geographic Information System-based approach to characterize routes in the National Hazardous Materials Route Registry;

(2) assess and characterize existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns;

(3) analyze current route-related hazardous materials regulations in the United States, Canada, and Mexico to identify cross-border differences and conflicting regulations;

(4) document the concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials for the purpose of identifying and mitigating security vulnerabilities associated with hazardous material routes;

(5) prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security vulnerabilities when designating highway routes for hazardous materials consistent with the 13 safety-based non-radioactive materials routing criteria and radioactive materials routing criteria in Subpart C part 397 of title 49, Code of Federal Regulations;

(6) develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous material and assess specific security vulnerabilities associated with each route and explore alternative mitigation measures; and

(7) transmit to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure a report on the actions taken to fulfill paragraphs (1) through (6) of this subsection and any recommended changes to the routing requirements for the highway transportation of hazardous materials in part 397 of title 49, Code of Federal Regulations.

(b) ROUTE PLANS.—

(1) ASSESSMENT.—Within one year after the date of enactment of this Act, the Secretary of Transportation shall complete an assessment of the safety and national security benefits achieved under existing requirements for route plans, in written or electronic format, for explosives and radioactive materials. The assessment shall, at a minimum—

(A) compare the percentage of Department of Transportation recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials for which such route plans are required with the percentage of recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials not subject to such route plans; and

(B) quantify the security and safety benefits, feasibility, and costs of requiring each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry such a route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title, taking into account the various segments of the trucking industry, including tank truck, truckload and less than truckload carriers.

(2) REPORT.—Within one year after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the findings and conclusions of the assessment.

(c) REQUIREMENT.—The Secretary shall require motor carriers that have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry a route plan, in written or electronic format, that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title if the Secretary determines, under the assessment required in subsection (b), that such a requirement would enhance the security and safety of the nation without imposing unreasonable costs or burdens upon motor carriers.

SEC. —102. MOTOR CARRIER HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS—

(1) IN GENERAL.—Consistent with the findings of the Transportation Security Administration's Hazmat Truck Security Pilot Program and within 6 months after the date of enactment of this Act, the Secretary of Homeland Security, through the Transportation Security Administration and in consultation with the Secretary of Transportation, shall develop a program to encourage the equipping of motor carriers transporting high hazard materials in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless communications technology that provides—

(A) continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency message.

(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on theHazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(C) evaluate—

(i) any new information related to the cost and benefits of deploying and utilizing truck tracking technology for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of truck tracking technology to resist tampering and disabling;

(iii) the capability of truck tracking technology to collect, display, and store information regarding the movements of shipments of high hazard materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials; and

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover security sensitive material in the event of loss or theft of such material.

(b) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

SEC. —103. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans required under part 172, title 49, Code of Federal Regulations, within 180 days after the date of enactment of this Act. In establishing the program, the Secretary shall ensure that—

(1) the program does not subject carriers to unnecessarily duplicative reviews of their security plans by the 2 departments; and

(2) a common set of standards is used to review the security plans.

(b) CIVIL PENALTY.—The failure, by a shipper, carrier, or other person subject to part 172 of title 49, Code of Federal Regulations, to comply with any applicable section of that part within 180 days after being notified by the Secretary of such failure to comply, is punishable by a civil penalty imposed by the Secretary under title 49, United States Code. For purposes of this subsection, each day of noncompliance after the 181st day following the date on which the shipper, carrier, or other person received notice of the failure shall constitute a separate failure.

(c) COMPLIANCE REVIEW.—In reviewing the compliance of hazardous materials shippers, carriers, or other persons subject to part 172 of title 49, Code of Federal Regulations, with the provisions of that part, the Secretary shall utilize risk assessment methodologies to prioritize review and enforcement actions to the most vulnerable and critical hazardous materials transportation operations.

(d) TRANSPORTATION COSTS STUDY.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary of Homeland Security, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers

associated with the transportation of hazardous materials are reflected in the rates paid by shippers of such commodities as compared to the costs and rates respectively for the transportation of non-hazardous materials.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2007;

(2) $2,000,000 for fiscal year 2008; and

(3) $2,000,000 for fiscal year 2009.

SEC. —104. TRUCK SECURITY ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on security issues related to the trucking industry that includes—

(1) an assessment of actions already taken to address identified security issues by both public and private entities;

(2) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;

(3) an assessment of ongoing research and the need for additional research on truck security; and

(4) an assessment of industry best practices to enhance security.

SEC. —105. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.

(a) DEVELOPMENT.—The Secretary of Homeland Security, in conjunction with the Secretary of Transportation, shall consider the development of a national public sector response system to receive security alerts, emergency messages, and other information used to track the transportation of high hazard materials which can provide accurate, timely, and actionable information to appropriate first responder, law enforcement and public safety, and homeland security officials, as appropriate, regarding accidents, threats, thefts, or other safety and security risks or incidents. In considering the development of this system, they shall consult with law enforcement and public safety officials, hazardous material shippers, motor carriers, railroads, organizations representing hazardous material employees, State transportation and hazardous materials officials, private for-profit and nonprofit emergency response organizations, and commercial motor vehicle and hazardous material safety groups. Consideration of development of the national public sector response system shall be based upon the public sector response center developed for the Transportation Security Administration hazardous material truck security pilot program and hazardous material safety and security operational field test undertaken by the Federal Motor Carrier Safety Administration.

(b) CAPABILITY.—The national public sector response system to be considered shall be able to receive, as appropriate—

(1) negative driver verification alerts;

(2) out-of-route alerts;

(3) driver panic or emergency alerts; and

(4) tampering or release alerts.

(c) CHARACTERISTICS.—The national public sector response system to be considered shall—

(1) be an exception-based system;

(2) be integrated with other private and public sector operation reporting and response systems and all Federal homeland security threat analysis systems or centers (including the National Response Center); and

(3) provide users the ability to create rules for alert notification messages.

(d) CARRIER PARTICIPATION.—The Secretary of Homeland Security shall coordinate with motor carriers and railroads transporting high hazard materials, entities acting on their behalf who receive communication alerts from motor carriers or railroads, or other Federal agencies that receive security and emergency related notification regarding high hazard materials in transit to facilitate the provisions of the information listed in subsection (b) to the national public sector response system to the extent possible if the system is established.

(e) DATA PRIVACY.—The national public sector response system shall be designed to ensure appropriate protection of data and information relating to motor carriers, railroads, and employees.

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on whether to establish a national public sector response system and the estimated total public and private sector costs to establish and annually operate such a system, together with any recommendations for generating private sector participation and investment in the development and operation of such a system.

(g) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $1,000,000 for fiscal year 2007;

(2) $1,000,000 for fiscal year 2008; and

(3) $1,000,000 for fiscal year 2009.

SEC. —106. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration for making grants to private operators of over-the-road buses or over-the-road-bus terminal operators for system-wide security improvements to their operations, including—

(1) constructing and modifying terminals, garages, facilities, or over-the-road buses to assure their security;

(2) protecting or isolating the driver;

(3) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

(4) training employees in recognizing and responding to security threats, evacuation procedures, passenger screening procedures, and baggage inspection;

(5) hiring and training security officers;

(6) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing and upgrading an emergency communications system linking operational headquarters, over-the-road buses, law enforcement, and emergency personnel; and

(9) implementing and operating passenger screening programs at terminals and on over-the-road buses.

(b) FEDERAL SHARE.—The Federal share of the cost for which any grant is made under this section shall be 80 percent.

(c) DUE CONSIDERATION.—In making grants under this section, the Secretary shall give due consideration to private operators of over-the-road buses that have taken measures to enhance bus transportation security from those in effect before September 11, 2001, and shall prioritize grant funding based on the magnitude and severity of the security threat to bus passengers and the ability of the funded project to reduce, or respond to, that threat.

(d) GRANT REQUIREMENTS.—A grant under this section shall be subject to all the terms and conditions that a grant is subject to under section 3038(f) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393).

(e) PLAN REQUIREMENT.—

(1) IN GENERAL.—The Secretary may not make a grant under this section to a private operator of over-the-road buses until the operator has first submitted to the Secretary—

(A) a plan for making security improvements described in subsection (a) and the Secretary has approved the plan; and

(B) such additional information as the Secretary may require to ensure accountability for the obligation and expenditure of amounts made available to the operator under the grant.

(2) COORDINATION.—To the extent that an application for a grant under this section proposes security improvements within a specific terminal owned and operated by an entity other than the applicant, the applicant shall demonstrate to the satisfaction of the Secretary that the applicant has coordinated the security improvements for the terminal with that entity.

(f) OVER-THE-ROAD BUS DEFINED.—In this section, the term ''over-the-road bus'' means a bus characterized by an elevated passenger deck located over a baggage compartment.

(g) BUS SECURITY ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a preliminary report in accordance with the requirements of this section.

(2) CONTENTS OF PRELIMINARY REPORT.—The preliminary report shall include—

(A) an assessment of the over-the-road bus security grant program;

(B) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;

(C) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

(D) an assessment of the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees;

(E) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; and

(F) an assessment of industry best practices to enhance security.

(3) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

(h) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $12,000,000 for fiscal year 2007;

(2) $25,000,000 for fiscal year 2008; and

(3) $25,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. —107. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Memorandum of Understanding Annex executed under section —108, shall develop a Pipeline Security and Incident Recovery Protocols Plan. The plan shall include—

(1) a plan for the Federal Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section —108—

(A) at high or severe security threat levels of alert; and

(B) when specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for granting access to pipeline operators for pipeline infrastructure repair, replacement or bypass following an incident.

(b) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The plan shall take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions.

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary of Homeland Security shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, pipeline labor, first responders, shippers of hazardous materials, State Departments of Transportation, public safety officials, and other relevant parties.

(d) REPORT.—

(1) CONTENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a), along with an estimate of the private and public sector costs to implement any recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $1,000,000 for fiscal year 2007.

SEC. —108. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations in the September, 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) REVIEW AND INSPECTION.—Within 9 months after the date of enactment of this Act the Secretary shall complete a review of the pipeline security plan and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September, 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department of Homeland Security or the Department of Transportation, as determined by the Secretary in consultation with the Secretary of Transportation.

(c) COMPLIANCE REVIEW METHODOLOGY.—In reviewing pipeline operator compliance under subsections (a) and (b), the Secretary shall utilize risk assessment methodologies to prioritize vulnerabilities and to target inspection and enforcement actions to the most vulnerable and critical pipeline assets.

(d) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit to pipeline operators and the Secretary of Transportation security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary of Homeland Security determines that regulations are appropriate, the Secretary shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations should incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for non-compliance.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2007; and

(2) $2,000,000 for fiscal year 2008.

SEC. —109. TECHNICAL CORRECTIONS.

(a) HAZMAT LICENSES.—Section 5103a of title 49, United States Code, is amended—

(1) by inserting ''of Homeland Security'' each place it appears in subsections (a)(1), (d)(1)(b), and (e); and

(2) by redesignating subsection (h) as subsection (i) and inserting the following after subsection (g):

''(h) RELATIONSHIP TO TRANSPORTATION SECURITY CARDS.—Upon application, a State shall issue to an individual a license to operate a motor vehicle transporting in commerce a hazardous material without the security assessment required by this section, provided the individual meets all other applicable requirements for such a license, if the Secretary of Homeland Security has previously determined, under section 70105 of title 46, United States Code, that the individual does not pose a security risk.''.

SA 4989. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INTEROPERABLE COMMUNICATIONS.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 331 et seq.) is amended—

(1) by inserting after the title heading the following:

"Subtitle A—Preparedness and Response";

and

(2) by adding at the end the following:

"Subtitle B—Emergency Communications

"SEC. 551. DEFINITIONS.

''In this subtitle—

''(1) the term 'Administrator' means the Administrator of the Agency;

''(2) the term 'Agency' means the Federal Emergency Management Agency;

''(3) the term 'eligible region' means—

''(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes, or other general purpose jurisdictions that—

''(i) have joined together to enhance emergency communications capabilities or communications interoperability among emergency response providers in those jurisdictions and with State and Federal officials; and

''(ii) includes the largest city in any metropolitan statistical area or metropolitan division, as defined by the Office of Management and Budget; or

''(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued under Homeland Security Presidential Directive 8;

''(4) the term 'emergency communications capabilities' means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency response providers, emergency response agencies, and government officials from multiple disciplines and jurisdictions and at all levels of government, in the event of a natural or man-made disaster (including where there has been significant damage to, or destruction of, critical infrastructure (including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity));

''(5) the terms 'interoperable emergency communications system' and 'communications interoperability' mean the ability of emergency response providers and relevant Federal, State, and local government officials to—

''(A) communicate with each other as necessary, using information technology systems and radio communications systems; and

''(B) exchange voice, data, or video with each other on demand, in real time, as necessary;

''(6) the term 'National Emergency Communications Strategy' means the strategy established under section 553; and

''(7) the term 'Office of Emergency Communications' means the office established under section 552.

"SEC. 552. OFFICE OF EMERGENCY COMMUNICATIONS.

''(a) IN GENERAL.—There is established in the Agency an Office of Emergency Communications.

''(b) DIRECTOR.—The head of the Office of Emergency Communications shall be the Director for Emergency Communications. The Director shall report to the Assistant Secretary for Cybersecurity and Telecommunications.

''(c) RESPONSIBILITIES.—The Director for Emergency Communications shall—

''(1) assist the Secretary and the Administrator in developing and implementing the program described in section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1));

''(2) carry out the responsibilities and authorities of the Department relating to the

development and implementation of a strategy to achieve national communications interoperability and emergency communications capabilities and promulgating grant guidance for that purpose;

''(3) carry out the responsibilities under section 509;

''(4) conduct extensive, nationwide outreach and foster the development of emergency communications capabilities and interoperable communications systems by Federal, State, and local governments and public safety agencies, and by regional consortia thereof, by—

''(A) developing, updating, and implementing a national strategy to achieve emergency communications capabilities, with goals and timetables;

''(B) developing, updating, and implementing a national strategy to achieve communications interoperability, with goals and timetables;

''(C) developing a national architecture, which defines the components of an interoperable system and how the components are constructed;

''(D) establishing and maintaining a task force that represents the broad customer base of public safety agencies of State and local governments, and Federal agencies, involved in public safety disciplines such as law enforcement, firefighting, emergency medical services, public health, and disaster recovery, in order to receive input and coordinate efforts to achieve emergency communications capabilities and communications interoperability;

''(E) working with the Interoperable Communications Technical Assistance Program to provide technical assistance to State and local government officials;

''(F) promoting a greater understanding of the importance of emergency communications capabilities, communications interoperability, and the benefits of sharing resources among all levels of Federal, State, and local government;

''(G) promoting development of standard operating procedures for incident response and facilitating the sharing of information on best practices (including from governments abroad) for achieving emergency communications capabilities and communications interoperability;

''(H) making recommendations to Congress about any changes in Federal law necessary to remove barriers to achieving emergency communications capabilities and communications interoperability;

''(I) funding and conducting pilot programs, as necessary, in order to—

''(i) evaluate and validate technology concepts in real-world environments to achieve emergency communications capabilities and communications interoperability;

''(ii) encourage more efficient use of resources, including equipment and spectrum; and

''(iii) test and deploy public safety communications systems that are less prone to failure, support nonvoice services, consume less spectrum, and cost less;

''(J) liaisoning with the private sector to develop solutions to improve emergency communications capabilities and achieve communications interoperability;

''(K) using modeling and simulation for training exercises and command and control functions at the operational level; and

''(L) performing other functions necessary to improve emergency communications capabilities and achieve communications interoperability;

''(5) administer the responsibilities and authorities of the Department relating to the Integrated Wireless Network Program;

''(6) administer the responsibilities and authorities of the Department relating to the National Communications System;

''(7) administer the responsibilities and authorities of the Department related to the Emergency Alert System and the Integrated Public Alert and Warning System;

''(8) establish an effective, reliable, integrated, flexible, and comprehensive system to alert and warn the people of the United States in the event of a natural or man-made disaster;

''(9) administer the responsibilities and authorities of the Department relating to Office of Interoperability and Compatibility;

''(10) coordinate the establishment of a national response capability with initial and ongoing planning, implementation, and training for the deployment of backup communications services in the event of a catastrophic loss of local and regional emergency communications services;

''(11) assist the President, the National Security Council, the Homeland Security Council, the Director of the Office of Science and Technology Policy, and the Director of the Office of Management and Budget in ensuring emergency communications capabilities;

''(12) review, in consultation with the Assistant Secretary for Grants and Training, all interoperable emergency communications plans of Federal, State, and local governments, including Statewide and tactical interoperability plans; and

''(13) create an interactive database that contains an inventory of emergency communications assets maintained by the Federal Government and, where appropriate, State and local governments and the private sector, that—

''(A) can be deployed rapidly following a natural or man-made disaster to assist emergency response providers and State and local governments; and

''(B) includes land mobile radio systems, satellite phones, portable infrastructure equipment, backup power system equipment, and other appropriate equipment and systems.

''SEC. 553. NATIONAL EMERGENCY COMMUNICATIONS STRATEGY.

''(a) IN GENERAL.—Not later than 180 days after the completion of the baseline assessment under section 554, and in cooperation with State and local governments, Federal departments and agencies, emergency response providers, and the private sector, the Administrator, acting through the Director for Emergency Communications, shall develop a National Emergency Communications Strategy to achieve national emergency communications capabilities and interoperable emergency communications.

''(b) CONTENTS.—The National Emergency Communication Strategy shall—

''(1) include, in consultation with the National Institute of Standards and Technology, a process for expediting national voluntary consensus-based emergency communications equipment standards for the purchase and use by public safety agencies of interoperable emergency communications equipment and technologies;

''(2) identify the appropriate emergency communications capabilities and communications interoperability necessary for Federal, State, and local governments to operate during natural and man-made disasters;

''(3) address both short-term and long-term solutions to achieving Federal, State, and local government emergency communications capabilities and interoperable emergency communications systems, including provision of commercially available equipment that facilitates operability, interoperability, coordination, and integration among emergency communications systems;

''(4) identify how Federal departments and agencies that respond to natural or man-made disasters can work effectively with State and local governments, in all States, and with such other entities as are necessary to implement the strategy;

''(5) include measures to identify and overcome all obstacles to achieving interoperable emergency communications;

''(6) set goals and establish timetables for the development of an emergency, command-level communication system based on equipment available across the United States and a nationwide interoperable emergency communications system;

''(7) identify appropriate and reasonable measures public safety agencies should employ to ensure that their network infrastructure remains operable during a natural or man-made disaster;

''(8) include education of State and local government emergency response providers about the availability of backup emergency communications assets and their importance in planning for natural and man-made disasters;

''(9) identify, in consultation with the Federal Communications Commission, measures State and local governments should employ to ensure operability of 911, E911 and public safety answering points during natural and man-made disasters; and

''(10) include building the capability to adapt the distribution and content of emergency alerts on the basis of geographic location, risks, or personal user preferences, as appropriate.

''SEC. 554. ASSESSMENTS AND REPORTS.

''(a) BASELINE OPERABILITY AND INTEROPERABILITY ASSESSMENT.—Not later than June 1, 2007, and periodically thereafter, but not less frequently than every 5 years, the Administrator, acting through the Director for Emergency Communications, shall conduct an assessment of Federal, State, and local governments to—

''(1) define the range of emergency communications capabilities and communications interoperability needed for specific events;

''(2) assess the capabilities to meet such communications needs;

''(3) determine the degree to which necessary emergency communications capabilities and communications interoperability have been achieved;

''(4) ascertain the needs that remain for communications interoperability to be achieved;

''(5) assess the ability of communities to provide and maintain emergency communications capabilities and communications interoperability among emergency response providers, and government officials in the event of a natural or man-made disaster, including when there is substantial damage to ordinary communications infrastructure or a sustained loss of electricity;

''(6) include a national interoperable emergency communication inventory that—

''(A) identifies for each Federal department and agency—

''(i) the channels and frequencies used;

''(ii) the nomenclature used to refer to each channel or frequency used; and

''(iii) the types of communications system and equipment used;

''(B) identifies the interoperable emergency communication systems in use for public safety systems in the United States; and

''(C) provides a listing of public safety mutual aid channels in operation and their ability to connect to an interoperable emergency communications system; and

''(7) compile a list of best practices among communities for providing and maintaining emergency communications capabilities and

communications interoperability in the event of a natural or man-made disaster.

''(b) MOBILE COMMUNICATIONS.—The Administrator, acting through the Director of Emergency Communications, shall evaluate the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of a natural or man-made disaster.

''(c) ANNUAL REPORT.—Not later than 1 year after the date of enactment of the Port Security Improvements Act of 2006, and annually thereafter until the date that is 10 years after such date, the Administrator, acting through the Director for Emergency Communications, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress of the Department in implementing and achieving the goals of this subtitle, including a description of the findings of the most recent nationwide assessment conducted under subsection (a).

''SEC. 555. COORDINATION OF FEDERAL EMERGENCY COMMUNICATIONS GRANT PROGRAMS.

''(a) ASSESSMENT OF GRANTS AND STANDARDS PROGRAMS.—The Secretary, acting through the Director for Emergency Communications, in coordination with other Federal departments and agencies, shall review Federal emergency communications grants and standards programs across the Federal government to—

''(1) integrate and coordinate Federal grant guidelines for the use of Federal assistance relating to interoperable emergency communications and emergency communications capabilities;

''(2) assess and make recommendations to ensure that such guidelines are consistent across the Federal Government; and

''(3) assess and make recommendations to ensure conformity with the goals and objectives identified in the National Emergency Communications Strategy.

''(b) DENIAL OF ELIGIBILITY FOR GRANTS.—

''(1) IN GENERAL.—The Secretary may prohibit any State or local government from using Federal homeland security assistance administered by the Department to achieve, maintain, or enhance interoperable emergency communications capabilities if—

''(A) such government has not complied with the requirement to submit a Statewide Interoperable Communications Plan under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f));

''(B) the State or local government has not taken adequate steps to maintain operability of network infrastructure in order to prepare for a natural or man-made disaster; or

''(C) a grant request does not comply with interoperable communications equipment standards, after those standards have been developed through a voluntary consensus-based process or are promulgated under the authority under paragraph (2).

''(2) STANDARDS.—If the Secretary determines that inadequate progress is being made on the completion of voluntary consensus-based interoperable communications equipment standards, the Secretary may promulgate such standards and include them in interoperable communications grant guidance.

''SEC. 556. EMERGENCY COMMUNICATIONS INTEROPERABILITY RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Secretary shall establish a comprehensive research and development program to promote emergency communications capabilities and communications interoperability among emergency response providers, including by promoting research on a competitive basis through the Directorate of Science and Technology Homeland Security Advanced Research Projects Agency.

''(b) PURPOSES.—The purposes of the program established under subsection (a) include—

''(1) understanding the strengths and weaknesses of the diverse public safety communications systems;

''(2) examining how current and emerging technology can make public safety organizations more effective, and how Federal, State, and local government agencies can use this technology in a coherent and cost-effective manner;

''(3) exploring Federal, State, and local government policies that shall move systematically towards long-term solutions;

''(4) evaluating and validating technology concepts, and promoting the deployment of advanced public safety information technologies for emergency communications capabilities and communications interoperability; and

''(5) advancing the creation of a national strategy to enhance emergency communications capabilities, promote communications interoperability and efficient use of spectrum in communications systems, improve information sharing across organizations, and use advanced information technology to increase the effectiveness of emergency response providers in valuable new ways.

''SEC. 557. EMERGENCY COMMUNICATIONS PILOT PROJECTS.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Port Security Improvements Act of 2006, the Administrator shall establish not fewer than 2 pilot projects to develop and evaluate strategies and technologies for providing and maintaining emergency communications capabilities and communications interoperability among emergency response providers and government officials in the event of a natural or man-made disaster in which there is significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity.

''(2) INTEROPERABLE DATA COMMUNICATIONS.—Not less than 1 pilot project under this section shall involve the development of interoperable data communications, including medical and victim information, so that this information can be shared among emergency response providers, as needed, at all levels of government, and in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–91; 110 Stat. 1936).

''(b) SELECTION CRITERIA.—In selecting areas for the location of the pilot projects under this section, the Administrator shall consider—

''(1) the risk to the area from a large-scale terrorist attack or natural disaster;

''(2) the number of potential victims from a large-scale terrorist attack or natural disaster in the area;

''(3) the capabilities of the emergency communications systems of the area and capabilities for the development of modeling and simulation training and command and control functions; and

''(4) such other criteria as the Administrator may determine appropriate.

''SEC. 558. EMERGENCY COMMUNICATIONS AND INTEROPERABILITY GRANTS.

''(a) IN GENERAL.—The Administrator, through the Office of the Grants and Training, shall make grants to States and eligible regions for initiatives necessary to improve emergency communications capabilities and to achieve short-term or long-term solutions to statewide, regional, national, and, where appropriate, international interoperability.

''(b) USE OF GRANT FUNDS.—Grants awarded under subsection (a) may be used for initiatives to achieve short-term or long-term solutions for emergency communications capabilities and communications interoperability within the State or region and to assist with any aspect of the communication life cycle, including—

''(1) statewide or regional communications planning;

''(2) system design and engineering;

''(3) procurement and installation of equipment;

''(4) exercises;

''(5) modeling and simulation exercises for operational command and control functions;

''(6) other activities determined by the Administrator to be integral to the achievement of emergency communications capabilities and communications interoperability; and

''(7) technical assistance and training.

''(c) COORDINATION.—The Administrator shall ensure that the Office of Grants and Training coordinates its activities with the Office of Emergency Communications, the Directorate of Science and Technology and other Federal entities so that grants awarded under this section, and other grant programs related to homeland security, fulfill the purposes of this section and facilitate the achievement of emergency communications capabilities and communications interoperability consistent with the national strategy.

''(d) APPLICATION.—

''(1) IN GENERAL.—A State or eligible region desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

''(2) MINIMUM CONTENTS.—At a minimum, each application submitted under paragraph (1) shall—

''(A) identify the critical aspects of the communications life cycle, including planning, system design and engineering, procurement and installation, and training for which funding is requested;

''(B) describe how—

''(i) the proposed use of funds would be consistent with and address the goals in any applicable State homeland security plan, and, unless the Secretary determines otherwise, is consistent with the national strategy and architecture; and

''(ii) the applicant intends to spend funds under the grant, to administer such funds, and to allocate such funds among any participating local governments; and

''(C) be consistent with the Interoperable Communications Plan required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

''(e) STATE REVIEW AND SUBMISSION.—

''(1) IN GENERAL.—To ensure consistency with State homeland security plans, an eligible region applying for a grant under this section shall submit its application to each State within which any part of the eligible region is located for review before submission of such application to the Administrator.

''(2) DEADLINE.—Not later than 30 days after receiving an application from an eligible region under paragraph (1), each such State shall transmit the application to the Administrator.

''(3) STATE DISAGREEMENT.—If the Governor of any such State determines that a regional

application is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

''(A) notify the Administrator in writing of that fact; and

''(B) provide an explanation of the reasons for not supporting the application at the time of transmission of the application.

''(f) AWARD OF GRANTS.—

''(1) CONSIDERATIONS.—In approving applications and awarding grants under this section, the Administrator shall consider—

''(A) the nature of the threat to the State or eligible region from natural or man-made disasters;

''(B) the location, risk, or vulnerability of critical infrastructure and key national assets, including the consequences from damage to critical infrastructure in nearby jurisdictions as a result of a natural or man-made disaster;

''(C) the size of the population, and the population density of the area, that will be served by the interoperable emergency communications systems, except that the Secretary shall not establish a minimum population requirement that would disqualify from consideration an area that otherwise faces significant threats, vulnerabilities, or consequences from a natural or man-made disaster;

''(D) the extent to which grants will be used to implement emergency communications and interoperability solutions—

''(i) consistent with the national strategy and compatible with national infrastructure and equipment standards; and

''(ii) more efficient and cost effective than current approaches;

''(E) the number of jurisdictions within regions participating in the development of emergency communications capabilities and interoperable emergency communications systems, including the extent to which the application includes all incorporated municipalities, counties, parishes, and tribal governments within the State or eligible region, and their coordination with Federal and State agencies;

''(F) the extent to which a grant would expedite the achievement of emergency communications capabilities and communications interoperability in the State or eligible region with Federal, State, and local government agencies;

''(G) the extent to which a State or eligible region, given its financial capability, demonstrates its commitment to expeditiously achieving emergency communications capabilities and communications interoperability by supplementing Federal funds with non-Federal funds;

''(H) whether the State or eligible region is on or near an international border;

''(I) whether the State or eligible region encompasses an economically significant border crossing;

''(J) whether the State or eligible region has a coastline bordering an ocean or international waters including the Great Lakes;

''(K) the extent to which geographic barriers pose unusual obstacles to achieving emergency communications capabilities or communications interoperability;

''(L) the threats, vulnerabilities, and consequences faced by the State or eligible region related to at-risk sites or activities in nearby jurisdictions, including the need to respond to natural or man-made disasters arising in those jurisdictions;

''(M) the need to achieve nationwide emergency communications capabilities and communications interoperability, consistent with the national strategies;

''(N) the extent to which the State has formulated a State executive interoperability committee or conducted similar statewide planning efforts;

''(O) whether the activity for which a grant requested is being funded under another homeland security grant program; and

''(P) such other factors as are specified by the Secretary in writing.

''(2) REVIEW PANEL.—

''(A) IN GENERAL.—The Secretary shall establish a review panel under section 871(a) to assist in reviewing grant applications under this section.

''(B) RECOMMENDATIONS.—The review panel established under subparagraph (A) shall make recommendations to the Administrator regarding applications for grants under this section.

''(C) MEMBERSHIP.—The review panel established under subparagraph (A) shall include individuals with technical expertise in emergency communications and communications interoperability and emergency response providers and other relevant State and local government officials.

''(3) AVAILABILITY OF FUNDS.—Any grant funds awarded that may be used to support emergency communications capabilities or communications interoperability shall, as the Administrator may determine, remain available for up to 3 years, consistent with section 7303(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(e)).''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subtitle B of title V of the Homeland Security Act of 2002, as added by this Act—

(1) $400,000,000 for each of fiscal years 2007 through 2011; and

(2) such sums as are necessary for each fiscal year thereafter.

(c) CONFORMING AMENDMENTS RELATING TO INTELLIGENCE REFORM.—Section 7303(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) INTEROPERABLE EMERGENCY COMMUNICATIONS SYSTEM AND COMMUNICATIONS INTEROPERABILITY.—The terms 'interoperable emergency communications system' and 'communications interoperability' mean the ability of emergency response providers and relevant Federal, State, and local government agencies to—

''(A) communicate with each other as necessary, using information technology systems and radio communications systems; and

''(B) exchange voice, data, or video with each other on demand, in real time, as necessary.''; and

(2) by adding at the end the following:

''(3) EMERGENCY COMMUNICATIONS CAPABILITIES.—The term 'emergency communications capabilities' means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency responders, agencies, and government officials from multiple disciplines and jurisdictions and at all levels of government in the event of a natural disaster, terrorist attack, or other large-scale or catastrophic emergency, including where there has been significant damage to, or destruction of, critical infrastructure, substantial loss of ordinary telecommunications infrastructure, and sustained loss of electricity.''.

(d) BORDER INTEROPERABILITY DEMONSTRATION PROJECTS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''demonstration project'' means a demonstration project established under paragraph (2)(A); and

(B) the term ''interoperable emergency communications system'' has the meaning given that term in section 551 of the Homeland Security Act of 2002, as added by this Act.

(2) IN GENERAL.—

(A) ESTABLISHMENT.—There is established in the Department an ''International Border Community Interoperable Communications Demonstration Project''.

(B) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select not fewer than 6 communities to participate in a demonstration project.

(C) LOCATION OF COMMUNITIES.—Not fewer than 3 of the communities selected under subparagraph (B) shall be located on the northern border of the United States and not fewer than 3 of the communities selected under subparagraph (B) shall be located on the southern border of the United States.

(3) PROJECT REQUIREMENTS.—A demonstration project shall—

(A) address the interoperable emergency communications system needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers;

(B) foster interoperable emergency communications systems—

(i) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to terrorist attacks or other catastrophic events; and

(ii) with similar agencies in Canada or Mexico;

(C) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(D) foster the standardization of equipment for interoperable emergency communications systems;

(E) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(F) ensure that emergency response providers can communicate with each other and the public at disaster sites;

(G) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(H) identify and secure appropriate joint-use equipment to ensure communications access.

(4) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall distribute funds under this subsection to each community participating in a demonstration project through the State, or States, in which each community is located.

(B) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under subparagraph (A), a State receiving funds under this subsection shall make the funds available to the local governments and emergency response providers selected by the Secretary to participate in a demonstration project.

(5) REPORTING.—Not later than December 31, 2007, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects.

(e) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by redesignating the section 510 relating to urban and other high risk area communications capabilities as section 511.

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) by inserting before the item relating to section 501 the following:

''Subtitle A—Preparedness and Response'';

and

(B) by adding after the item relating to section 509 the following:

''Sec. 510. Procurement of security countermeasures for strategic national stockpile.
''Sec. 511. Urban and other high risk area communications capabilities.

''Subtitle B—Emergency Communications

''Sec. 551. Definitions.
''Sec. 552. Office of Emergency Communications.
''Sec. 553. National Emergency Communications Strategy.
''Sec. 554. Assessments and reports.
''Sec. 555. Coordination of Federal emergency communications grant programs.
''Sec. 556. Emergency communications interoperability research and development.
''Sec. 557. Emergency communications pilot projects.
''Sec. 558. Emergency communications and interoperability grants.''.

SA 4990. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 87, after line 18, add the following:

SEC. 501. SHORT TITLE.

This title may be cited as the ''Border Security First Act of 2006''.

SEC. 502. REFERENCE TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 503. DEFINITIONS.

In this title:

(1) DEPARTMENT.—Except as otherwise provided, the term ''Department'' means the Department of Homeland Security.

(2) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 504. SEVERABILITY.

If any provision of this title, any amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any other person or circumstance shall not be affected by such holding.

Subtitle A—Border Enforcement

CHAPTER 1—ASSETS FOR CONTROLLING UNITED STATES BORDERS

SEC. 511. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) PORT OF ENTRY INSPECTORS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(2) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking ''800'' and inserting ''1000''.

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(3) DEPUTY UNITED STATES MARSHALS.—In each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that investigate criminal matters related to immigration.

(4) RECRUITMENT OF FORMER MILITARY PERSONNEL.—

(A) IN GENERAL.—The Commissioner of United States Customs and Border Protection, in conjunction with the Secretary of Defense or a designee of the Secretary of Defense, shall establish a program to actively recruit members of the Army, Navy, Air Force, Marine Corps, and Coast Guard who have elected to separate from active duty.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit a report on the implementation of the recruitment program established pursuant to subparagraph (A) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PORT OF ENTRY INSPECTORS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a)(1).

(2) DEPUTY UNITED STATES MARSHALS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a)(3).

(3) BORDER PATROL AGENTS.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended to read as follows:

''SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

''(a) ANNUAL INCREASES.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by—

''(1) 2,000 in fiscal year 2006;
''(2) 2,400 in fiscal year 2007;
''(3) 2,400 in fiscal year 2008;
''(4) 2,400 in fiscal year 2009;
''(5) 2,400 in fiscal year 2010; and
''(6) 2,400 in fiscal year 2011.

''(b) NORTHERN BORDER.—In each of the fiscal years 2006 through 2011, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.''.

SEC. 512. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a ''virtual fence'' along such international borders to provide a barrier to illegal immigration.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(e) UNMANNED AERIAL VEHICLE PILOT PROGRAM.—During the 1-year period beginning on the date on which the report is submitted under subsection (c), the Secretary shall conduct a pilot program to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(f) CONSTRUCTION.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 513. INFRASTRUCTURE.

(a) CONSTRUCTION OF BORDER CONTROL FACILITIES.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational control of the international borders of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SEC. 514. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international border between the United States and Mexico.

SEC. 515. PORTS OF ENTRY.

The Secretary is authorized to—

(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 516. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector; and

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) OTHER HIGH TRAFFICKED AREAS.—The Secretary shall construct not less than 370 miles of triple-layered fencing which may include portions already constructed in San Diego, Tucson, and Yuma Sectors, and 500 miles of vehicle barriers in other areas along the southwest border that the Secretary determines are areas that are most often used by smugglers and illegal aliens attempting to gain illegal entry into the United States.

(d) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a), (b), and (c) and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a), (b), and (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

CHAPTER 2—BORDER SECURITY PLANS, STRATEGIES, AND REPORTS

SEC. 521. SURVEILLANCE PLAN.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 522. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) CONTENT.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 521.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) COORDINATION.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) UPDATES.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section or section 521 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 523. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary and the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of the following:

(1) SECURITY CLEARANCES AND DOCUMENT INTEGRITY.—The progress made toward the development of common enrollment, security,

technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—

(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

(i) passports;

(ii) visas; and

(iii) permanent resident cards;

(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraudulent travel documents and to promote information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet proper travel document standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(2) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.

(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout the world to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor visa processing, including—

(i) application process;

(ii) interview policy;

(iii) general screening procedures;

(iv) visa validity;

(v) quality control measures; and

(vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration violators;

(E) in developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter by enhancing technical assistance for programs and systems to support advanced automated reporting and risk targeting of international passengers;

(F) in sharing information on lost and stolen passports on a real-time basis among immigration or law enforcement officials of Canada, Mexico, and the United States; and

(G) in collecting 10 fingerprints from each individual who applies for a visa.

(4) NORTH AMERICAN VISITOR OVERSTAY PROGRAM.—The progress made by Canada and the United States in implementing parallel entry-exit tracking systems that, while respecting the privacy laws of both countries, share information regarding third country nationals who have overstayed their period of authorized admission in either Canada or the United States.

(5) TERRORIST WATCH LISTS.—The progress made in enhancing the capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including the progress made—

(A) in developing and implementing bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of terrorist watch list data and to comprehensively enumerate the uses of such data by the governments of each country;

(B) in establishing appropriate linkages among Canada, Mexico, and the United States Terrorist Screening Center; and

(C) in exploring with foreign governments the establishment of a multilateral watch list mechanism that would facilitate direct coordination between the country that identifies an individual as an individual included on a watch list, and the country that owns such list, including procedures that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

(6) MONEY LAUNDERING, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made in improving information sharing and law enforcement cooperation in combating organized crime, including the progress made—

(A) in combating currency smuggling, money laundering, alien smuggling, and trafficking in alcohol, firearms, and explosives;

(B) in implementing the agreement between Canada and the United States known as the Firearms Trafficking Action Plan;

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing a joint threat assessment on organized crime between Canada and the United States;

(E) in determining the feasibility of formulating a joint threat assessment on organized crime between Mexico and the United States;

(F) in developing mechanisms to exchange information on findings, seizures, and capture of individuals transporting undeclared currency; and

(G) in developing and implementing a plan to combat the transnational threat of illegal drug trafficking.

(7) LAW ENFORCEMENT COOPERATION.—The progress made in enhancing law enforcement cooperation among Canada, Mexico, and the United States through enhanced technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with known and suspected criminals or terrorists, including exploring the formation of law enforcement teams that include personnel from the United States and Mexico, and appropriate procedures for such teams.

SEC. 524. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary, shall work to cooperate with the head of Foreign Affairs Canada and the appropriate officials of the Government of Mexico to establish a program—

(1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to promote issuance of secure passports and travel documents by such countries; and

(4) to encourage Guatemala and Belize—

(A) to control alien smuggling and trafficking;

(B) to prevent the use and manufacture of fraudulent travel documents; and

(C) to share relevant information with Mexico, Canada, and the United States.

(b) BORDER SECURITY FOR BELIZE, GUATEMALA, AND MEXICO.—The Secretary, in consultation with the Secretary of State, shall work to cooperate—

(1) with the appropriate officials of the Government of Guatemala and the Government of Belize to provide law enforcement assistance to Guatemala and Belize that specifically addresses immigration issues to increase the ability of the Government of Guatemala to dismantle human smuggling organizations and gain additional control over the international border between Guatemala and Belize; and

(2) with the appropriate officials of the Government of Belize, the Government of Guatemala, the Government of Mexico, and the governments of neighboring contiguous countries to establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international borders between Mexico and Guatemala and between Mexico and Belize.

(c) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary and the Director of the Federal Bureau of Investigation, shall work to cooperate with the appropriate officials of the Government of Mexico, the Government of Guatemala, the Government of Belize, and the governments of other Central American countries—

(1) to assess the direct and indirect impact on the United States and Central America of deporting violent criminal aliens;

(2) to establish a program and database to track individuals involved in Central American gang activities;

(3) to develop a mechanism that is acceptable to the governments of Belize, Guatemala, Mexico, the United States, and other appropriate countries to notify such a government if an individual suspected of gang activity will be deported to that country prior to the deportation and to provide support for the reintegration of such deportees into that country; and

(4) to develop an agreement to share all relevant information related to individuals connected with Central American gangs.

(d) LIMITATIONS ON ASSISTANCE.—Any funds made available to carry out this section shall be subject to the limitations contained in section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2006 (Public Law 109–102; 119 Stat. 2218).

SEC. 525. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures with the Secretary of State to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combat human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

SEC. 526. DEATHS AT UNITED STATES-MEXICO BORDER.

(a) COLLECTION OF STATISTICS.—The Commissioner of the Bureau of Customs and Border Protection shall collect statistics relating to deaths occurring at the border between the United States and Mexico, including—

(1) the causes of the deaths; and

(2) the total number of deaths.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of the Bureau of Customs and Border Protection shall submit to the Secretary a report that—

(1) analyzes trends with respect to the statistics collected under subsection (a) during the preceding year; and

(2) recommends actions to reduce the deaths described in subsection (a).

CHAPTER 3—OTHER BORDER SECURITY INITIATIVES

SEC. 531. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2007, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 532. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all border patrol agents conducting operations between ports of entry;

(2) between border patrol agents and their respective border patrol stations;

(3) between border patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 533. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to border patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new border patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new border patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of border patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a border patrol agent.

SEC. 534. US-VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US-VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US-VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 535. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—

(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 536. IMPROVED DOCUMENT INTEGRITY.

(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in the heading, by striking ''**ENTRY AND EXIT DOCUMENTS**'' and inserting ''**TRAVEL AND ENTRY DOCUMENTS AND EVIDENCE OF STATUS**'';

(3) in subsection (b)(1)—

(A) by striking ''Not later than October 26, 2004, the'' and inserting ''The''; and

(B) by striking ''visas and'' both places it appears and inserting ''visas, evidence of status, and'';

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

''(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien's status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.''.

SEC. 537. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) by inserting ''and any other nonimmigrant visa issued by the United States that is in the possession of the alien'' after ''such visa''; and

(2) in paragraph (2)(A), by striking ''(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality'' and inserting ''(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence''.

SEC. 538. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

''(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.''.

(b) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(d) (8 U.S.C. 1225(d)) is amended by adding at the end the following:

''(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

''(A) any applicant for admission or alien seeking to transit through the United States; or

''(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).''.

(c) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEN.—Section 252 (8 U.S.C. 1282)

is amended by adding at the end the following:

''(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.''.

(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

''(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 235(d) is inadmissible.''; and

(2) in subsection (d), by inserting after paragraph (1) the following:

''(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to an alien described in subparagraph (C) of subsection (a)(7) and may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.''.

(e) IMPLEMENTATION.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

''(3) IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register.''; and

(2) in subsection (l)—

(A) by striking ''There are authorized'' and inserting the following:

''(1) IN GENERAL.—There are authorized''; and

(B) by adding at the end the following:

''(2) IMPLEMENTATION AT ALL LAND BORDER PORTS OF ENTRY.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 and 2008 to implement the automated biometric entry and exit data system at all land border ports of entry.''.

SEC. 539. BORDER STUDY.

(a) SOUTHERN BORDER STUDY.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States.

(b) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study described in subsection (a).

SEC. 540. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The Inspector General of the Department shall review each contract action relating to the Secure Border Initiative having a value of more than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines. The Inspector General shall complete a review under this subsection with respect to each contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) INSPECTOR GENERAL.—

(1) ACTION.—If the Inspector General becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the Secretary, or to another appropriate official of the Department, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative.

(2) REPORT.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high-risk business practices.

(c) REPORTS BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 30 days after the receipt of each report required under subsection (b)(2), the Secretary shall submit a report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) CONTRACTS WITH FOREIGN COMPANIES.—Not later than 60 days after the initiation of each contract action with a company whose headquarters is not based in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(d) REPORTS ON UNITED STATES PORTS.—Not later than 30 days after receiving information regarding a proposed purchase of a contract to manage the operations of a United States port by a foreign entity, the Committee on Foreign Investment in the United States shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General of the Department, there are authorized to be appropriated to the Office, to enable the Office to carry out this section—

(1) for fiscal year 2007, not less than 5 percent of the overall budget of the Office for such fiscal year;

(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year; and

(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

SEC. 541. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

(a) IN GENERAL.—Beginning on October 1, 2007, an alien (other than a national of Mexico) who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land and maritime border of the United States shall be detained until removed or a final decision granting admission has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or

(2) is paroled into the United States by the Secretary for urgent humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) REQUIREMENTS DURING INTERIM PERIOD.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2007, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) RULES OF CONSTRUCTION.—

(1) ASYLUM AND REMOVAL.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) TREATMENT OF CERTAIN ALIENS.—The mandatory detention requirement in subsection (a) does not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

(3) DISCRETION.—Nothing in this section shall be construed as limiting the authority of the Secretary, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

SEC. 542. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''§ 555. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements

''(a) PROHIBITION.—A person shall be punished as described in subsection (b) if such person attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoint.

''(b) PENALTIES.—A person who commits an offense described in subsection (a) shall be—

''(1) fined under this title;

''(2)(A) imprisoned for not more than 3 years, or both;

''(B) imprisoned for not more than 10 years, or both, if in commission of this violation, attempts to inflict or inflicts bodily injury (as defined in section 1365(g) of this title); or

''(C) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; or

''(3) both fined and imprisoned under this subsection.

''(c) CONSPIRACY.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

''(d) PRIMA FACIE EVIDENCE.—For the purposes of seizure and forfeiture under applicable law, in the case of use of a vehicle or other conveyance in the commission of this offense, or in the case of disregarding or disobeying the lawful authority or command of any officer or employee of the United States under section 111(b), such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''555. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements''.

(c) FAILURE TO OBEY BORDER ENFORCEMENT OFFICERS.—Section 111 of title 18, United States Code, is amended by inserting after subsection (b) the following:

''(c) FAILURE TO OBEY LAWFUL ORDERS OF BORDER ENFORCEMENT OFFICERS.—Whoever willfully disregards or disobeys the lawful authority or command of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties shall be fined under this title or imprisoned for not more than 5 years, or both.''.

SEC. 543. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—

(1) ANNUAL TRAINING DUTY.—With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized in subsection (b), for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) OTHER SUPPORT.—With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units or personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are any of the following:

(1) Ground reconnaissance activities.

(2) Airborne reconnaissance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Administrative support services.

(6) Technical training services.

(7) Emergency medical assistance and services.

(8) Communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) DEFINITIONS.—In this section:

(1) GOVERNOR OF A STATE.—The term ''Governor of a State'' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) STATE ALONG THE SOUTHERN BORDER OF THE UNITED STATES.—The term ''State along the southern border of the United States'' means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

(g) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

(h) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under the authority of this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

SEC. 544. REPORT ON INCENTIVES TO ENCOURAGE CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES TO SERVE IN THE BUREAU OF CUSTOMS AND BORDER PROTECTION.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report assessing the desirability and feasibility of offering incentives to covered members and former members of the Armed Forces for the purpose of encouraging such members to serve in the Bureau of Customs and Border Protection.

(b) COVERED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.—For purposes of this section, covered members and former members of the Armed Forces are the following:

(1) Members of the reserve components of the Armed Forces.

(2) Former members of the Armed Forces within 2 years of separation from service in the Armed Forces.

(c) REQUIREMENTS AND LIMITATIONS.—

(1) NATURE OF INCENTIVES.—In considering incentives for purposes of the report required by subsection (a), the Secretaries shall consider such incentives, whether monetary or otherwise and whether or not authorized by current law or regulations, as the Secretaries jointly consider appropriate.

(2) TARGETING OF INCENTIVES.—In assessing any incentive for purposes of the report, the Secretaries shall give particular attention to the utility of such incentive in—

(A) encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former members of the Armed Forces who have provided border patrol or border security assistance to the Bureau as part of their duties as members of the Armed Forces; and

(B) leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of training, required for service with the Bureau of Customs and Border Protection.

(3) PAYMENT.—In assessing incentives for purposes of the report, the Secretaries shall assume that any costs of such incentives shall be borne by the Department.

(d) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of various monetary and non-monetary incentives considered for purposes of the report.

(2) An assessment of the desirability and feasibility of utilizing any such incentive for the purpose specified in subsection (a), including an assessment of the particular utility of such incentive in encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former members of the Armed Forces described in subsection (c)(2).

(3) Any other matters that the Secretaries jointly consider appropriate.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, and Appropriations of the House of Representatives.

CHAPTER 4—BORDER TUNNEL PREVENTION ACT

SEC. 546. SHORT TITLE.

This chapter may be cited as the ''Border Tunnel Prevention Act''.

SEC. 547. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, as amended by section 542, is further amended by adding at the end the following:

''§ 556. Border tunnels and passages

''(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

''(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

''(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, as amended by section 542, is further amended by adding at the end the following:

''Sec. 556. Border tunnels and passages''.

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting ''556,'' before ''1425,''.

SEC. 548. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States

Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 556 of title 18, United States Code, as added by section 547.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 556 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

CHAPTER 5—RAPID RESPONSE MEASURES

SEC. 551. DEPLOYMENT OF BORDER PATROL AGENTS.

(a) EMERGENCY DEPLOYMENT OF BORDER PATROL AGENTS.—

(1) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States border patrol agents (referred to in this chapter as ''agents'') from the Secretary, the Secretary, subject to paragraphs (1) and (2), may provide the State with not more than 1,000 additional agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border into the United States at any location other than an authorized port of entry.

(2) CONSULTATION.—Upon receiving a request for agents under paragraph (1), the Secretary, after consultation with the President, shall grant such request to the extent that providing such agents will not significantly impair the Department's ability to provide border security for any other State.

(3) COLLECTIVE BARGAINING.—Emergency deployments under this subsection shall be made in accordance with all applicable collective bargaining agreements and obligations.

(b) ELIMINATION OF FIXED DEPLOYMENT OF BORDER PATROL AGENTS.—The Secretary shall ensure that agents are not precluded from performing patrol duties and apprehending violators of law, except in unusual circumstances if the temporary use of fixed deployment positions is necessary.

(c) INCREASE IN FULL-TIME BORDER PATROL AGENTS.—Section 5202(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734), as amended by section 511(b)(2), is further amended by striking ''2,000'' and inserting ''3,000''.

SEC. 552. BORDER PATROL MAJOR ASSETS.

(a) CONTROL OF BORDER PATROL ASSETS.—The United States Border Patrol shall have complete and exclusive administrative and operational control over all the assets utilized in carrying out its mission, including, aircraft, watercraft, vehicles, detention space, transportation, and all of the personnel associated with such assets.

(b) HELICOPTERS AND POWER BOATS.—

(1) HELICOPTERS.—The Secretary shall increase, by not less than 100, the number of helicopters under the control of the United States Border Patrol. The Secretary shall ensure that appropriate types of helicopters are procured for the various missions being performed.

(2) POWER BOATS.—The Secretary shall increase, by not less than 250, the number of power boats under the control of the United States Border Patrol. The Secretary shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(3) USE AND TRAINING.—The Secretary shall—

(A) establish an overall policy on how the helicopters and power boats procured under this subsection will be used; and

(B) implement training programs for the agents who use such assets, including safe operating procedures and rescue operations.

(c) MOTOR VEHICLES.—

(1) QUANTITY.—The Secretary shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of not less than 1 police-type vehicle for every 3 agents. These police-type vehicles shall be replaced not less than every 3 years. The Secretary shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol.

(2) FEATURES.—All motor vehicles purchased for the United States Border Patrol shall—

(A) be appropriate for the mission of the United States Border Patrol; and

(B) have a panic button and a global positioning system device that is activated solely in emergency situations to track the location of agents in distress.

SEC. 553. ELECTRONIC EQUIPMENT.

(a) PORTABLE COMPUTERS.—The Secretary shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

(b) RADIO COMMUNICATIONS.—The Secretary shall augment the existing radio communications system so that all law enforcement personnel working in each area where United States Border Patrol operations are conducted have clear and encrypted 2-way radio communication capabilities at all times. Each portable communications device shall be equipped with a panic button and a global positioning system device that is activated solely in emergency situations to track the location of agents in distress.

(c) HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.—The Secretary shall ensure that each United States Border Patrol agent is issued a state-of-the-art hand-held global positioning system device for navigational purposes.

(d) NIGHT VISION EQUIPMENT.—The Secretary shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and maintained to enable each United States Border Patrol agent working during the hours of darkness to be equipped with a portable night vision device.

SEC. 554. PERSONAL EQUIPMENT.

(a) BODY ARMOR.—The Secretary shall ensure that every agent is issued high-quality body armor that is appropriate for the climate and risks faced by the agent. Each agent shall be permitted to select from among a variety of approved brands and styles. Agents shall be strongly encouraged, but not required, to wear such body armor whenever practicable. All body armor shall be replaced not less than every 5 years.

(b) WEAPONS.—The Secretary shall ensure that agents are equipped with weapons that are reliable and effective to protect themselves, their fellow agents, and innocent third parties from the threats posed by armed criminals. The Secretary shall ensure that the policies of the Department authorize all agents to carry weapons that are suited to the potential threats that they face.

(c) UNIFORMS.—The Secretary shall ensure that all agents are provided with all necessary uniform items, including outerwear suited to the climate, footwear, belts, holsters, and personal protective equipment, at no cost to such agents. Such items shall be replaced at no cost to such agents as they become worn, unserviceable, or no longer fit properly.

SEC. 555. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this chapter.

Subtitle B—Border Law Enforcement Relief

CHAPTER 1—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. 561. SHORT TITLE.

This chapter may be cited as the ''Border Law Enforcement Relief Act of 2006''.

SEC. 562. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with

Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region.

SEC. 563. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term ''eligible law enforcement agency'' means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term ''High Impact Area'' means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this subtitle.

SEC. 564. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this chapter shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

CHAPTER 2—ADDITIONAL LAW ENFORCEMENT RELIEF

SEC. 571. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) REIMBURSEMENT FOR COSTS ASSOCIATED WITH PROCESSING CRIMINAL ILLEGAL ALIENS.—The Secretary shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) court costs.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROCESSING CRIMINAL ILLEGAL ALIENS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

(2) COMPENSATION UPON REQUEST.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

''(5) There are authorized to be appropriated to carry this subsection—

''(A) such sums as may be necessary for fiscal year 2007;

''(B) $750,000,000 for fiscal year 2008;

''(C) $850,000,000 for fiscal year 2009; and

''(D) $950,000,000 for each of the fiscal years 2010 through 2012.''.

(c) TECHNICAL AMENDMENT.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

SEC. 572. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The Secretary shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 573. EXPEDITED REMOVAL OF CRIMINAL ALIENS.

(a) IN GENERAL.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting ''**EXPEDITED REMOVAL OF CRIMINAL ALIENS**'';

(2) in subsection (a), by striking the subsection heading and inserting: ''EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.—'';

(3) in subsection (b), by striking the subsection heading and inserting: ''REMOVAL OF CRIMINAL ALIENS.—'';

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

''(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

''(A) has not been lawfully admitted to the United States for permanent residence; and

''(B) was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).'';

(5) in the subsection (c) that relates to presumption of deportability, by striking ''convicted of an aggravated felony'' and inserting ''described in subsection (b)(2)'';

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking '', who is deportable under this Act,''.

(b) APPLICATION TO CERTAIN ALIENS.—

(1) IN GENERAL.—Section 235(b)(1)(A)(iii) (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears; and

(B) by adding at the end the following new subclause:

''(III) EXCEPTION.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.''.

(2) EXCEPTION.—Section 235(b)(1)(F) (8 U.S.C. 1225(b)(1)(F)) is amended to read as follows:

''(F) EXCEPTION.—Subparagraph (A) shall not apply to an alien—

''(i) who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations; and

''(ii) who—

''(I) arrives by aircraft at a port of entry; or

''(II) is present in the United States and arrived in any manner at or between a port of entry.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 574. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURE AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, at least 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 20,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States subject to available appropriations.

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a), subject to available appropriations.

(2) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with subsection (a).

(4) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking ''may expend'' and inserting ''shall expend''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 575. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) INITIATIVE REQUIRED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall establish and carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred.

(2) RELATION WITH SOUTHWESTERN BORDER PROSECUTION INITIATIVE.—The program established in paragraph (1) shall—

(A) be modeled after the Southwestern Border Prosecution Initiative; and

(B) serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program established in subsection (a) shall be—

(1) provided in the form of direct reimbursements; and

(2) allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) USE OF FUNDS.—Funds provided to an eligible northern border entity under this section may be used by the entity for any lawful purpose, including:

(1) prosecution and related costs;

(2) court costs;

(3) costs of courtroom technology;

(4) costs of constructing holding spaces;

(5) costs of administrative staff;

(6) costs of defense counsel for indigent defendants; and

(7) detention costs, including pretrial and posttrial detention.

(d) DEFINITIONS.—In this section:

(1) CASE DISPOSITION.—The term ''case disposition''—

(A) for purposes of the Northern Border Prosecution Initiative, refers to the time between the arrest of a suspect and the resolution of the criminal charges through a county or State judicial or prosecutorial process; and

(B) does not include incarceration time for sentenced offenders or time spent by prosecutors on judicial appeals.

(2) ELIGIBLE NORTHERN BORDER ENTITY.—The term ''eligible northern border entity'' means—

(A) the States of Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(3) FEDERALLY DECLINED-REFERRED.—The term ''federally declined-referred''—

(A) means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer such investigation to a State or local jurisdiction for possible prosecution; and

(B) includes a decision made on a case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) FEDERALLY INITIATED.—The term ''federally initiated'' means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multi-jurisdictional task forces.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years thereafter.

SEC. 576. SOUTHWEST BORDER PROSECUTION INITIATIVE.

(a) REIMBURSEMENT TO STATE AND LOCAL PROSECUTORS FOR PROSECUTING FEDERALLY INITIATED DRUG CASES.—The Attorney General shall, subject to the availability of appropriations, reimburse Southern Border State and county prosecutors for prosecuting federally initiated and referred drug cases.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

SEC. 577. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et. seq.) is amended by adding after section 240C the following:

''SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

''(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including transporting across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

''(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

''(c) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

''(1) shall—

''(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

''(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

''(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

''(I) the conclusion of the State charging process or dismissal process; or

''(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

''(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

''(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

''(d) REIMBURSEMENT.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

''(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be the sum of—

''(A) the product of—

''(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a

State (or, as appropriate, a political subdivision of the State); multiplied by

''(ii) the number of days that the alien was in the custody of the State or political subdivision;

''(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; and

''(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

''(e) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

''(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

''(2) aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities, if practicable.

''(f) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

''(g) AUTHORITY FOR CONTRACTS.—

''(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

''(2) DETERMINATION BY SECRETARY.—Before entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.''.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and for each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

Subtitle C—Border Infrastructure and Technology Modernization

CHAPTER 1—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION ACT

SEC. 581. SHORT TITLE.

This chapter may be cited as the ''Border Infrastructure and Technology Modernization Act''.

SEC. 582. DEFINITIONS.

In this chapter:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau of Customs and Border Protection of the Department.

(2) MAQUILADORA.—The term ''maquiladora'' means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term ''northern border'' means the international border between the United States and Canada.

(4) SOUTHERN BORDER.—The term ''southern border'' means the international border between the United States and Mexico.

SEC. 583. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the Bureau of Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106–319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 584; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

SEC. 584. NATIONAL LAND BORDER SECURITY PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary, after consultation with representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(b) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 585. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Secretary, shall develop a plan to expand the size and scope, including personnel, of the Customs-Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(A) the Business Anti-Smuggling Coalition;

(B) the Carrier Initiative Program;

(C) the Americas Counter Smuggling Initiative;

(D) the Container Security Initiative;

(E) the Free and Secure Trade Initiative; and

(F) other Industry Partnership Programs administered by the Commissioner.

(2) SOUTHERN BORDER DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall implement, on a demonstration basis, at least 1 Customs–Trade Partnership Against Terrorism program along the southern border, which has been successfully implemented along the northern border.

(b) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

SEC. 586. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTING.—Under the technology demonstration program, the Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) DEVELOPMENT OF FACILITIES.—At a demonstration site selected pursuant to subsection (c)(2), the Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report submitted under paragraph (1) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

SEC. 587. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) such sums as may be necessary for the fiscal years 2007 through 2011 to carry out the provisions of section 583(a);

(2) to carry out section 583(d)—

(A) $100,000,000 for each of the fiscal years 2007 through 2011; and

(B) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out section 585(a)—

(A) $30,000,000 for fiscal year 2007, of which $5,000,000 shall be made available to fund the demonstration project established in section 586(a)(2); and

(B) such sums as may be necessary for the fiscal years 2008 through 2011;

(4) to carry out section 585(b)—

(A) $5,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(5) to carry out section 586, provided that not more than $10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) $50,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the fiscal years 2008 through 2011.

(b) INTERNATIONAL AGREEMENTS.—Amounts authorized to be appropriated under this chapter may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this chapter.

CHAPTER 2—ADDITIONAL INFRASTRUCTURE ELEMENTS

SEC. 591. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a ''virtual fence'' along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 592. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PROTECTED LAND.—The term ''protected land'' means land under the jurisdiction of the Secretary concerned.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—

(A) increased Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

(B) Federal land resource training for Customs and Border Protection agents dedicated to protected land; and

(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on protected land that is directly adjacent to the international land border of the United States, with priority given to units of the National Park System.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the United States Fish and Wildlife Service, the Forest Service, or the relevant agency of the Department of the Interior or the Department of Agriculture to minimize the adverse impact on natural and cultural resources from border protection activities.

(c) INVENTORY OF COSTS AND ACTIVITIES.—The Secretary concerned shall develop and submit to the Secretary an inventory of costs incurred by the Secretary concerned relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(d) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service, the United States Fish and Wildlife Service, and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and

(2) not later than March 31, 2007, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(e) BORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects—

(1) units of the National Park System;

(2) National Forest System land;

(3) land under the jurisdiction of the United States Fish and Wildlife Service; and

(4) other relevant land under the jurisdiction of the Department of the Interior or the Department of Agriculture.

SEC. 593. UNMANNED AERIAL VEHICLES.

(a) UNMANNED AERIAL VEHICLES AND ASSOCIATED INFRASTRUCTURE.—The Secretary shall acquire and maintain MQ–9 unmanned aerial vehicles for use on the border, including related equipment such as—

(1) additional sensors;

(2) critical spares;

(3) satellite command and control; and

(4) other necessary equipment for operational support.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out subsection (a)—

(A) $178,400,000 for fiscal year 2007; and

(B) $276,000,000 for fiscal year 2008.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SA 4991. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —IP-ENABLED VOICE COMMUNICATIONS AND PUBLIC SAFETY

SEC. —01. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''IP-Enabled Voice Communications and Public Safety Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —01. Short title; table of contents.
Sec. —02. Emergency service.
Sec. —03. Enforcement.
Sec. —04. Migration to IP-enabled emergency network.
Sec. —05. Implementation of ENHANCE–911 Act.
Sec. —06. Definitions.

SEC. —02. EMERGENCY SERVICE.

(a) 911 AND E–911 SERVICES.—

(1) IN GENERAL.—The Federal Communications Commission shall review the requirements established in its Report and Order in WC Docket Nos. 04–36 and 05–196 and shall, within 120 days after the date of enactment of this Act, revise its regulations as may be necessary, or promulgate such additional regulations as may be necessary, to establish requirements that are technologically and operationally feasible for providers of IP-enabled voice service to ensure that 911 and E–911 services are available to subscribers to IP-enabled voice services.

(2) CONTENT.—In the regulations prescribed under paragraph (1), the Commission shall include an appropriate transition period for compliance with those requirements that takes into consideration—

(A) available industry technology and operational standards;

(B) network security; and

(C) public safety answering point capabilities.

(3) DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS.—The Commission may delegate authority to enforce the rules and regulations issued under this title to State commissions or other State agencies or programs with jurisdiction over emergency communications.

(4) EFFECTIVE DATE.—The regulations prescribed under paragraph (1) may not take effect earlier than 90 days after the date on which the Commission issues a final rule under that paragraph.

(b) ACCESS TO 911 COMPONENTS.—Within 90 days after the date of enactment of this Act, the Commission shall issue regulations regarding access by IP-enabled voice service providers to 911 components that permit any IP-enabled voice service provider to elect to be treated as a commercial mobile service provider for the purpose of access to any 911 component, except that the regulations issued under this subsection may take into account any technical or network security issues that are specific to IP-enabled voice services.

(c) STATE AUTHORITY OVER FEES.—Nothing in this title, the Communications Act of 1934, or any Commission regulation or order shall prevent the imposition on, or collection from, a provider of IP-enabled voice services of any fee or charge specifically designated by a State, political subdivision thereof, or Indian tribe for the support of 911 or E–911 services if that fee or charge—

(1) does not exceed the amount of any such fee or charge imposed on or collected from a provider of telecommunications services; and

(2) is obligated or expended in support of 911 and E–911 services, or enhancements of such services, or other emergency communications services as specified in the provision of State or local law adopting the fee or charge.

(d) PARITY OF PROTECTION FOR PROVISION OR USE OF IP-ENABLED VOICE SERVICE.—A provider or user of IP-enabled voice services, a PSAP, and the officers, directors, employees, vendors, agents, and authorizing government entity (if any) of such provider, user, or PSAP, shall have the same scope and extent of immunity and other protection from liability under Federal and State law with respect to—

(1) the release of subscriber information related to emergency calls or emergency services,

(2) the use or provision of 911 and E–911 services, and

(3) other matters related to 911 and E–911 services,

as section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) provides to wireless carriers, PSAPs, and users of wireless 9–1–1 service (as defined in paragraphs (4), (3), and (6), respectively, of section 6 of that Act (47 U.S.C. 615b)) with respect to such release, use, and other matters.

(e) LIMITATION ON COMMISSION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

SEC. —03. ENFORCEMENT.

The Commission shall enforce this title, and any regulation promulgated under this title, under the Communications Act of 1934 (47 U.S.C. 151 et seq.) as if this title were a part of that Act. For purposes of this section any violation of this title, or any regulation promulgated under this title, is deemed to be a violation of the Communications Act of 1934.

SEC. —04. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

(a) IN GENERAL.—Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following:

''(d) MIGRATION PLAN REQUIRED.—

''(1) NATIONAL PLAN REQUIRED.—No more than 18 months after the date of the enactment of the IP-Enabled Voice Communications and Public Safety Act of 2006, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

''(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—

''(A) outline the potential benefits of such a migration;

''(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

''(C) include a proposed timetable, an outline of costs and potential savings;

''(D) provide specific legislative language, if necessary, for achieving the plan;

''(E) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network; and

''(F) assess, collect, and analyze the experiences of the PSAPs and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2006.

''(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, technology and telecommunications providers, and others it deems appropriate.''; and

(3) by striking ''services.'' in subsection (b)(1) and inserting ''services, and, upon completion of development of the national plan for migrating to a national IP-enabled emergency network under subsection (d), for migration to an IP-enabled emergency network.''.

(b) REPORT ON PSAPS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(A) compile a list of all known public safety answering points, including such contact information regarding public safety answering points as the Commission determines appropriate;

(B) organize such list by county, town, township, parish, village, hamlet, or other general purpose political subdivision of a State; and

(C) make available from such list—

(i) to the public, on the Internet website of the Commission—

(I) the 10 digit telephone number of those public safety answering points appearing on such list; and

(II) a statement explicitly warning the public that such telephone numbers are not intended for emergency purposes and as such may not be answered at all times; and

(ii) to public safety answering points all contact information compiled by the Commission.

(2) CONTINUING DUTY.—The Commission shall continue—

(A) to update the list made available to the public described in paragraph (1)(C); and

(B) to improve for the benefit of the public the accessibility, use, and organization of such list.

(3) PSAPS REQUIRED TO COMPLY.—Each public safety answering point shall provide all requested contact information to the Commission as requested.

(c) REPORT ON SELECTIVE ROUTERS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(A) compile a list of selective routers, including the contact information of the owners of such routers;

(B) organize such list by county, town, township, parish, village, hamlet, or other general purpose political subdivision of a State; and

(C) make such list available to providers of telecommunications service and to providers of IP-enabled voice service who are seeking to provide E-911 service to their subscribers.

SEC. —05. IMPLEMENTATION OF ENHANCE–911 ACT.

(a) IN GENERAL.—Pursuant to section 3011 of Public Law 109–171 (47 U.S.C. 309 note), the Secretary of Commerce, through the Assistant Secretary for Communications and Information shall make payments of not to exceed $43,500,000 to implement section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) no later than 10 days after the date of enactment of this Act.

(b) BORROWING AUTHORITY.—The Assistant Secretary may borrow from the Treasury beginning on October 1, 2006, such sums as may be necessary, but not to exceed $43,500,000, to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.

SEC. —06. DEFINITIONS.

(a) IN GENERAL.—For purposes of this title:

(1) 911.—The term ''911'' means a service that allows a user, by dialing the three-digit code 911, to call a public safety answering point operated by a State, local government, Indian tribe, or authorized entity.

(2) 911 COMPONENT.—The term ''911 component'' means any equipment, network, databases (including automatic location information databases and master street address guides), interface, selective router, trunkline, or other related facility necessary for the delivery and completion of 911 or E–911 calls and information related to such calls to which the Commission requires access pursuant to its rules and regulations.

(3) E–911 SERVICE.—The term ''E–911 service'' means a 911 service that automatically delivers the 911 call to the appropriate public safety answering point, and provides automatic identification data, including the originating number of an emergency call, the physical location of the caller, and the capability for the public safety answering point to call the user back if the call is disconnected.

(4) IP-ENABLED VOICE SERVICE.—The term ''IP-enabled voice service'' means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately), or without a fee, with 2-way interconnection capability such that the service can originate traffic to, and terminate traffic from, the public switched telephone network.

(5) PSAP.—The term ''public safety answering point'' or ''PSAP'' means a facility that has been designated to receive 911 or E–911 calls.

(b) COMMON TERMINOLOGY.—Except as otherwise provided in subsection (a), terms used in this title have the meanings provided under section 3 of the Communications Act of 1934.

SA 4992. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4970 proposed by Mr. DEMINT to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking ''decides that the individual poses a security risk under subsection (c)'' and inserting ''determines under subsection (c) that the individual poses a security risk''; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

''(1) Except as provided under paragraph (2), an individual shall be deemed to pose a security risk under this section if the Secretary determines that the individual—

''(A) has been convicted (or has been found not guilty by reason of insanity) within the preceding 10 years of—

''(i) destruction of a vessel or maritime facility under section 2291 of title 18;

''(ii) violence against maritime navigation under section 2280 of title 18;

''(iii) forgery of certificates of documentation, falsified vessel identification, or other vessel documentation violation under section 12507 or 12122 of this title;

''(iv) interference with maritime commerce under section 2282A of title 18;

''(v) improper transportation of a hazardous material under section 46312 of title 49;

''(vi) piracy or privateering under chapter 81 of title 18;

''(vii) firing or tampering with vessels under section 2275 of title 18;

''(viii) carrying a dangerous weapon or explosive aboard a vessel under section 2277 of title 18;

''(ix) failure to heave to, obstruction of boarding, or providing false information under section 2237 of title 18;

''(x) imparting or conveying false information under section 2292 of title 18;

''(xi) entry by false pretense to any seaport under section 1036 of title 18;

''(xii) murder;

''(xiii) assault with intent to murder;

''(xiv) espionage;

''(xv) sedition;

''(xvi) kidnapping or hostage taking;

''(xvii) treason;

''(xviii) rape or aggravated sexual abuse;

''(xix) unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon;

''(xx) extortion;

''(xxi) armed or felony unarmed robbery;

''(xxii) distribution of, or intent to distribute, a controlled substance;

''(xxiii) felony arson;

''(xxiv) a felony involving a threat;

''(xxv) a felony involving illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, willful destruction of property, importation or manufacture of a controlled substance, burglary, theft, dishonesty, fraud, misrepresentation, possession or distribution of stolen property, aggravated assault, or bribery; or

''(xxvi) conspiracy or attempt to commit any of the criminal acts listed in this subparagraph;

''(B) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

''(C) otherwise poses a terrorism security risk to the United States.''.

SA 4993. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking ''decides that the individual poses a security risk under subsection (c)'' and inserting ''determines under subsection (c) that the individual poses a security risk''; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

''(1) Except as provided under paragraph (2), an individual shall be deemed to pose a security risk under this section if the Secretary determines that the individual—

''(A) has been convicted (or has been found not guilty by reason of insanity) within the preceding 10 years of—

''(i) destruction of a vessel or maritime facility under section 2291 of title 18;

''(ii) violence against maritime navigation under section 2280 of title 18;

''(iii) forgery of certificates of documentation, falsified vessel identification, or other vessel documentation violation under section 12507 or 12122 of this title;

''(iv) interference with maritime commerce under section 2282A of title 18;

''(v) improper transportation of a hazardous material under section 46312 of title 49;

''(vi) piracy or privateering under chapter 81 of title 18;

''(vii) firing or tampering with vessels under section 2275 of title 18;

''(viii) carrying a dangerous weapon or explosive aboard a vessel under section 2277 of title 18;

''(ix) failure to heave to, obstruction of boarding, or providing false information under section 2237 of title 18;

''(x) imparting or conveying false information under section 2292 of title 18;

''(xi) entry by false pretense to any seaport under section 1036 of title 18;

''(xii) murder;

''(xiii) assault with intent to murder;

''(xiv) espionage;

''(xv) sedition;

''(xvi) kidnapping or hostage taking;

''(xvii) treason;

''(xviii) rape or aggravated sexual abuse;

''(xix) unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon;

''(xx) extortion;

''(xxi) armed or felony unarmed robbery;

''(xxii) distribution of, or intent to distribute, a controlled substance;

''(xxiii) felony arson;

''(xxiv) a felony involving a threat;

''(xxv) a felony involving illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, willful destruction of property, importation or manufacture of a controlled substance, burglary, theft, dishonesty, fraud, misrepresentation, possession or distribution of stolen property, aggravated assault, or bribery; or

''(xxvi) conspiracy or attempt to commit any of the criminal acts listed in this subparagraph;

''(B) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

''(C) otherwise poses a terrorism security risk to the United States.''.

SA 4994. Mr. MCCAIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, following the matter after line 25, insert the following:

SEC. 114. TRANSFER OF PUBLIC SAFETY GRANT PROGRAM TO THE DEPARTMENT OF HOMELAND SECURITY.

Section 3006 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109-171; 120 Stat. 24) is amended—

(1) in subsection (a)—

(A) by striking ''The Assistant Secretary, in consultation with the'' and inserting ''The''; and

(B) in paragraph (1), by inserting ''planning of,'' before ''acquistion of''; and

(2) in subsection (b), by striking ''Assistant Secretary'' each place that term appears and inserting ''Secretary of Homeland Security''.

SA 4995. Ms. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BLAST-RESISTANT CONTAINERS.

Section 41704 of title 49, United States Code, is amended by adding at the end the following: ''Each aircraft used to provide air transportation for individuals and their baggage or other cargo shall be equipped with not less than 1 hardened, blast-resistant cargo container. The Department of Homeland Security will provide each airline with sufficient blast-resistant cargo containers 90 days after the Department of Homeland Security's pilot program is completed.''.

SA 4996. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, between lines 11 and 12, insert the following:

(8) HAZARDOUS.—The term ''hazardous'' has the meaning given the term ''hazardous materials'' in section 2101(14) of title 46, United States Code.

On page 6, after line 25, add the following:

(16) TANKER.—The term ''tanker'' has the meaning given such term in section 2101(38) of title 46, United States Code.

(17) TANKER SECURITY INITIATIVE; TSI.—The terms ''Tanker Security Initiative'' and ''TSI'' mean the program authorized under section 206 to identify and examine tankers that could pose a risk for terrorism at foreign ports before they arrive in ports of the United States.

On page 21, between lines 15 and 16, insert the following:

(F) hazardous cargo security;

On page 21, line 16, strike ''(F)'' and insert ''(G)''.

On page 21, line 18, strike ''(G)'' and insert ''(H)''.

On page 21, line 20, strike ''(H)'' and insert ''(I)''.

On page 21, line 21, strike ''(I)'' and insert ''(J)''.

On page 21, line 25, strike ''(J)'' and insert ''(K)''.

On page 25, line 24, insert ''and hazardous cargoes'' after ''containers''.

On page 26, line 9, strike ''and''.

On page 26, line 13, strike the period at the end and insert ''; and''.

On page 26, between lines 13 and 14, insert the following:

(9) a radiation detection and imagery strategy for hazardous cargoes.

On page 29, line 22, insert ''or hazardous cargoes'' after ''containers''.

On page 30, line 18, insert ''or hazardous cargoes'' after ''containers''.

On page 31, line 1, insert ''and hazardous cargoes'' after ''containers''.

On page 34, line 9, insert ''and hazardous cargoes'' after ''containers''.

On page 36, line 12, insert ''or the Tanker Security Initiative''.

On page 38, line 21, insert ''or hazardous cargo'' after ''container''.

On page 39, line 24, insert ''or hazardous'' after ''container''.

On page 40, line 9, strike ''**CONTAINER**'' and insert ''**CARGO**''.

On page 40, line 16, insert ''and hazardous cargoes'' after ''containers''.

On page 41, line 15, insert ''and hazardous cargoes'' after ''containers''.

On page 48, between lines 2 and 3, insert the following:

SEC. 206. TANKER SECURITY INITIATIVE.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall establish and implement a program (to be known as the ''Tanker Security Initiative'' or ''TSI'') to promulgate and enforce standards and carry out activities to ensure that tanker vessels that transport petrochemicals, natural gas, or other hazardous materials are not used by terrorists or as carriers of weapons of mass destruction.

(b) ELEMENTS.—In carrying out the Tanker Security Initiative, the Secretary may—

(1) develop physical standards intended to prevent terrorists from placing a weapon of mass destruction in or on a tanker vessel without detection;

(2) develop detection equipment, and prescribe the use of such equipment, to be employed on a tanker vessel that is bound for a United States port of entry;

(3) develop new security inspection procedures required to be carried out on a tanker vessel at a foreign port of embarkation, on the high seas, or in United States waters prior to the arrival of such tanker at a United States port of entry;

(4) carry out research and development of sensing devices to detect any nuclear device that is placed in or on a tanker vessel; and

(5) provide assistance to a foreign country to assist such country in carrying out any provisions of the Tanker Security Initiative.

(c) ASSESSMENT.—Before the Secretary designates any foreign port under TSI, the Secretary, in coordination with other Federal officials, as appropriate, shall conduct an assessment of the port to evaluate the costs, benefits, and other factors associated with such designation, including—

(1) the level of risk for the potential compromise of tankers by terrorists or terrorist weapons;

(2) the economic impact of tankers traveling from the foreign port to the United States in terms of trade value and volume;

(3) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

(4) the capabilities and level of cooperation expected of the government of the intended host country;

(5) the willingness of the government of the intended host country to permit validation of security practices within the country in which the foreign port is located, for the purposes of C-TPAT or similar programs; and

(6) the potential for C–TPAT and GreenLane cargo traveling through the foreign port.

(d) ANNUAL REPORT.—Not later than March 1 of each year in which the Secretary proposes to designate a foreign port under TSI, the Secretary shall submit a report, in classified or unclassified form, detailing the assessment of each foreign port the Secretary is considering designating under TSI, to the appropriate congressional committees.

(e) DESIGNATION OF NEW PORTS.—The Secretary shall not designate a foreign port that processes hazardous cargoes under TSI unless the Secretary has completed the assessment required in subsection (c) for that port

and submitted a report under subsection (d) that includes that port.

(f) NEGOTIATIONS.—The Secretary may request that the Secretary of State, in conjunction with the United States Trade Representative, enter into trade negotiations with the government of each foreign country with a port designated under TSI, as appropriate, to ensure full compliance with the requirements under TSI.

(g) INSPECTIONS.—

(1) REQUIREMENTS AND PROCEDURES.—The Secretary shall—

(A) establish technical capability requirements and standard operating procedures for the use of nonintrusive inspection and radiation detection equipment in conjunction with TSI;

(B) require that the equipment operated at each port designated under TSI be operated in accordance with the requirements and procedures established under subparagraph (A); and

(C) continually monitor the technologies, processes, and techniques used to inspect cargo at ports designated under the Container Security Initiative.

(2) CONSIDERATIONS.—

(A) CONSISTENCY OF STANDARDS AND PROCEDURES.—In establishing the technical capability requirements and standard operating procedures under paragraph (1)(A), the Secretary shall take into account any such relevant standards and procedures utilized by other Federal departments or agencies as well as those developed by international bodies. Such standards and procedures shall not be designed to endorse the product or technology of any specific company or to conflict with the sovereignty of a country in which a foreign seaport designated under the Tanker Security Initiative is located.

(B) APPLICABILITY.—The technical capability requirements and standard operating procedures established pursuant to paragraph (1)(A) shall not apply to activities conducted under the Megaports Initiative of the Department of Energy.

(h) COORDINATION.—The Secretary shall coordinate with the Secretary of Energy to—

(1) provide radiation detection equipment required to support the Tanker Security Initiative through the Department of Energy's Second Line of Defense and Megaports programs; or

(2) work with the private sector to obtain radiation detection equipment that meets the Department's technical specifications for such equipment.

(i) PERSONNEL.—The Secretary shall—

(1) annually assess the personnel needs at each port designated under TSI;

(2) deploy personnel in accordance with the assessment under paragraph (1); and

(3) consider the potential for remote targeting in decreasing the number of personnel.

(j) ANNUAL DISCUSSIONS.—The Secretary, in coordination with the appropriate Federal officials, shall hold annual discussions with foreign governments of countries in which foreign seaports designated under the Tanker Security Initiative are located regarding best practices, technical assistance, training needs, and technological developments that will assist in ensuring the efficient and secure movement of international cargo.

(k) LESSER RISK PORT.—The Secretary, acting through the Commissioner, may treat cargo loaded in a foreign seaport designated under the Tanker Security Initiative as presenting a lesser risk than similar cargo loaded in a foreign seaport that is not designated under the Tanker Security Initiative, for the purpose of clearing such cargo into the United States.

(l) BUDGET ANALYSIS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a budget analysis for implementing the provisions of this section, including additional cost-sharing arrangements with other Federal departments and other participants involved in the joint operation centers, to appropriate congressional committees.

(m) SAVINGS PROVISION.—The authority of the Secretary under this section shall not affect any authority or duplicate any efforts or responsibilities of the Federal Government with respect to the deployment of radiation detection equipment outside of the United States under any program administered by the Department.

On page 62, line 21, insert ''or the Tanker Security Initiative'' after ''Container Security Initiative''.

SA 4997. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, between lines 22 and 23, insert the following:

(b) RISK MANAGEMENT PLAN.—

(1) IN GENERAL.—Under the direction of the Commandant of the Coast Guard, each Area Maritime Security Committee shall develop a Port Wide Risk Management Plan that includes—

(A) security goals and objectives, supported by a risk assessment and an evaluation of alternatives;

(B) a management selection process; and

(C) active monitoring to measure effectiveness.

(2) RISK ASSESSMENT TOOL.—The Secretary shall make available, and Area Maritime Security Committees shall use, a risk assessment tool that uses standardized risk criteria, such as the Maritime Security Risk Assessment Tool used by the Coast Guard, to develop the Port Wide Risk Management Plan.

On page 19, line 16, strike ''and''.

On page 19, line 18, strike the period at the end and insert ''; and''.

On page 19, between lines 18 and 19, insert the following:

''(3) is consistent with the Port Wide Risk Management Plan developed under section 111(b) of the Port Security Improvement Act of 2006.

On page 19, strike line 24 and insert the following:

for Preparedness, may require.

''(h) REPORTS.—Not later than 180 days after the date of the enactment of the Port Security Improvement Act of 2006, the Secretary, acting through the Commandant of the Coast Guard, shall submit a report to Congress, in a secure format, describing the methodology used to allocate port security grant funds on the basis of risk.''.

SA 4998. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, between lines 9 and 10, insert the following:

''(3) establish a program to improve the interoperability of communications equipment used by law enforcement and other officials operating in the port with the communications equipment used by local law enforcement officials and first responders;

SA 4999. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. BIDEN, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; as follows:

On page 30, between lines 8 and 9, insert the following:

SEC. 126. PLAN FOR 100 PERCENT SCANNING OF CARGO CONTAINERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop an initial plan to scan—

(1) 100 percent of the cargo containers destined for the United States before such containers arrive in the United States; and

(2) cargo containers before such containers leave ports in the United States.

(b) PLAN CONTENTS.—The plan developed under this section shall include—

(1) specific annual benchmarks for—

(A) the percentage of cargo containers destined for the United States that are scanned at a foreign port; and

(B) the percentage of cargo containers originating in the United States and destined for a foreign port that are scanned in a port in the United States before leaving the United States;

(2) annual increases in the benchmarks described in paragraph (1) until 100 percent of the cargo containers destined for the United States are scanned before arriving in the United States;

(3) a description of the consequences to be imposed on foreign ports or United States ports that do not meet the benchmarks described in paragraphs (1) and (2), which may include the loss of access to United States ports and fines;

(4) the use of existing programs, including CSI and C-TPAT, to reach annual benchmarks;

(5) the use of scanning equipment, personnel, and technology to reach the goal of 100 percent scanning of cargo containers.

On page 61, line 6, strike the period at the end and insert ''; and''.

On page 62, between lines 6 and 7, insert the following:

(5) an update of the initial 100 percent scanning plan based on lessons learned from the pilot program.

SA 5000. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY TO IDENTIFY REDUNDANT BACKGROUND RECORDS CHECKS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of background records checks carried out by Federal departments and agencies that are similar to the background records check required under section 5103a of title 49, United States Code, to identify redundancies and inefficiencies in connection with such checks.

(b) CONTENTS.—In conducting the study, the Comptroller General of the United States shall review, at a minimum, the background records checks carried out by—

(1) the Secretary of Defense;

(2) the Secretary of Homeland Security; and

(3) the Secretary of Energy.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States

shall submit a report to Congress on the results of the study, including—

(1) an identification of redundancies and inefficiencies referred to in subsection (a); and

(2) recommendations for eliminating such redundancies and inefficiencies.

SA 5001. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 25, strike ''a device'' and all that follows through page 5, line 4, and insert the following: ''a device, or system, designed, at a minimum, to identify positively a container, to detect and record the unauthorized intrusion of a container, and to secure a container against tampering throughout the supply chain. Such a device, or system, shall have a low false alarm rate as determined by the Secretary.''.

SA 5002. Mr. LIEBERMAN (for himself, Mr. STEVENS, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, beginning with ''and'' on line 5, strike all through line 9, and insert the following:

''(8) an assessment of the feasibility of reducing the transit time for in-bond shipments, including an assessment of the impact of such a change on domestic and international trade; and

''(9) an assessment of the security threat posed by in-bond cargo, including an assessment of any means for mitigating the threat posed by in-bond cargo.

SA 5003. Mr. BAUCUS (for himself, Ms. STABENOW, Mr. MENENDEZ, Ms. CANTWELL, Mrs. BOXER, Mr. CARPER, Mrs. CLINTON, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. HARKIN, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SCHUMER, Mrs. MURRAY, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. OBAMA, Mr. REED, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 4096, to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Tax Relief Extension Act of 2006''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—EXTENSION AND EXPANSION OF CERTAIN TAX RELIEF PROVISIONS

Sec. 101. Deduction for qualified tuition and related expenses.
Sec. 102. Extension and modification of new markets tax credit.
Sec. 103. Election to deduct State and local general sales taxes.
Sec. 104. Extension and modification of research credit.
Sec. 105. Work opportunity tax credit and welfare-to-work credit.
Sec. 106. Election to include combat pay as earned income for purposes of earned income credit.
Sec. 107. Extension and modification of qualified zone academy bonds.
Sec. 108. Above-the-line deduction for certain expenses of elementary and secondary school teachers.
Sec. 109. Extension and expansion of expensing of brownfields remediation costs.
Sec. 110. Tax incentives for investment in the District of Columbia.
Sec. 111. Indian employment tax credit.
Sec. 112. Accelerated depreciation for business property on Indian reservations.
Sec. 113. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant property.
Sec. 114. Cover over of tax on distilled spirits.
Sec. 115. Parity in application of certain limits to mental health benefits.
Sec. 116. Corporate donations of scientific property used for research and of computer technology and equipment.
Sec. 117. Availability of medical savings accounts.
Sec. 118. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 119. American Samoa economic development credit.
Sec. 120. Restructuring of New York Liberty Zone tax credits.
Sec. 121. Extension of bonus depreciation for certain qualified Gulf Opportunity Zone property.
Sec. 122. Authority for undercover operations.
Sec. 123. Disclosures of certain tax return information.

TITLE II—OTHER TAX PROVISIONS

Sec. 201. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 202. Credit for prior year minimum tax liability made refundable after period of years.
Sec. 203. Returns required in connection with certain options.
Sec. 204. Partial expensing for advanced mine safety equipment.
Sec. 205. Mine rescue team training tax credit.
Sec. 206. Whistleblower reforms.
Sec. 207. Frivolous tax submissions.
Sec. 208. Addition of meningococcal and human papillomavirus vaccines to list of taxable vaccines.
Sec. 209. Clarification of taxation of certain settlement funds made permanent.
Sec. 210. Modification of active business definition under section 355 made permanent.
Sec. 211. Revision of State veterans limit made permanent.
Sec. 212. Capital gains treatment for certain self-created musical works made permanent.
Sec. 213. Reduction in minimum vessel tonnage which qualifies for tonnage tax made permanent.
Sec. 214. Modification of special arbitrage rule for certain funds made permanent.
Sec. 215. Great Lakes domestic shipping to not disqualify vessel from tonnage tax.
Sec. 216. Use of qualified mortgage bonds to finance residences for veterans without regard to first-time homebuyer requirement.
Sec. 217. Exclusion of gain from sale of a principal residence by certain employees of the intelligence community.
Sec. 218. Treatment of coke and coke gas.
Sec. 219. Sale of property by judicial officers.
Sec. 220. Premiums for mortgage insurance.
Sec. 221. Modification of refunds for kerosene used in aviation.
Sec. 222. Deduction for qualified timber gain.
Sec. 223. Credit to holders of rural renaissance bonds.
Sec. 224. Restoration of deduction for travel expenses of spouse, etc. accompanying taxpayer on business travel.
Sec. 225. Technical corrections.

TITLE III—SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS OF 2006

Sec. 301. Short title.

Subtitle A—Mining Control and Reclamation

Sec. 311. Abandoned Mine Reclamation Fund and purposes.
Sec. 312. Reclamation fee.
Sec. 313. Objectives of Fund.
Sec. 314. Reclamation of rural land.
Sec. 315. Liens.
Sec. 316. Certification.
Sec. 317. Remining incentives.
Sec. 318. Extension of limitation on application of prohibition on issuance of permit.
Sec. 319. Tribal regulation of surface coal mining and reclamation operations.

Subtitle B—Coal Industry Retiree Health Benefit Act

Sec. 321. Certain related persons and successors in interest relieved of liability if premiums prepaid.
Sec. 322. Transfers to funds; premium relief.
Sec. 323. Other provisions.

TITLE I—EXTENSION AND EXPANSION OF CERTAIN TAX RELIEF PROVISIONS

SEC. 101. DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Section 222(e) is amended by striking ''2005''and inserting ''2007''.

(b) CONFORMING AMENDMENTS.—Section 222(b)(2)(B) is amended—

(1) by striking ''a taxable year beginning in 2004 or 2005'' and inserting ''any taxable year beginning after 2003'', and

(2) by striking ''2004 AND 2005'' in the heading and inserting ''AFTER 2003''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 102. EXTENSION AND MODIFICATION OF NEW MARKETS TAX CREDIT.

(a) EXTENSION.—Section 45D(f)(1)(D) is amended by striking ''and 2007'' and inserting '', 2007, and 2008''.

(b) REGULATIONS REGARDING NON-METROPOLITAN COUNTIES.—Section 45D(i) is amended by striking ''and'' at the end of paragraph

(4), by striking the period at the end of paragraph (5) and inserting ''; and'', and by adding at the end the following new paragraph:

''(6) which ensure that non-metropolitan counties receive a proportional allocation of qualified equity investments.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 103. ELECTION TO DEDUCT STATE AND LOCAL GENERAL SALES TAXES.

(a) IN GENERAL.—Section 164(b)(5)(I) is amended by striking ''2006'' and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 104. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Section 41(h)(1)(B) is amended by striking ''2005'' and inserting ''2007''.

(2) CONFORMING AMENDMENT.—Section 45C(b)(1)(D) is amended by striking ''2005'' and inserting ''2007''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2005.

(b) INCREASE IN RATES OF ALTERNATIVE INCREMENTAL CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 41(c)(4) (relating to election of alternative incremental credit) is amended—

(A) by striking ''2.65 percent'' and inserting ''3 percent'',

(B) by striking ''3.2 percent'' and inserting ''4 percent'', and

(C) by striking ''3.75 percent'' and inserting ''5 percent''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2006.

(c) ALTERNATIVE SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.—

(1) IN GENERAL.—Subsection (c) of section 41 (relating to base amount) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) ELECTION OF ALTERNATIVE SIMPLIFIED CREDIT.—

''(A) IN GENERAL.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to 12 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

''(B) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—

''(i) TAXPAYERS TO WHICH SUBPARAGRAPH APPLIES.—The credit under this paragraph shall be determined under this subparagraph if the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined.

''(ii) CREDIT RATE.—The credit determined under this subparagraph shall be equal to 6 percent of the qualified research expenses for the taxable year.

''(C) ELECTION.—An election under this paragraph shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary. An election under this paragraph may not be made for any taxable year to which an election under paragraph (4) applies.''.

(2) COORDINATION WITH ELECTION OF ALTERNATIVE INCREMENTAL CREDIT.—

(A) IN GENERAL.—Section 41(c)(4)(B) (relating to election) is amended by adding at the end the following: ''An election under this paragraph may not be made for any taxable year to which an election under paragraph (5) applies.''.

(B) TRANSITION RULE.—In the case of an election under section 41(c)(4) of the Internal Revenue Code of 1986 which applies to the taxable year which includes the date of the enactment of this Act, such election shall be treated as revoked with the consent of the Secretary of the Treasury if the taxpayer makes an election under section 41(c)(5) of such Code (as added by subsection (c)) for such year.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2006.

SEC. 105. WORK OPPORTUNITY TAX CREDIT AND WELFARE-TO-WORK CREDIT.

(a) IN GENERAL.—Sections 51(c)(4)(B) and 51A(f) are each amended by striking ''2005'' and inserting ''2007''.

(b) ELIGIBILITY OF EX-FELONS DETERMINED WITHOUT REGARD TO FAMILY INCOME.—Paragraph (4) of section 51(d) is amended by adding ''and'' at the end of subparagraph (A), by striking '', and'' at the end of subparagraph (B) and inserting a period, and by striking all that follows subparagraph (B).

(c) INCREASE IN MAXIMUM AGE FOR ELIGIBILITY OF FOOD STAMP RECIPIENTS.—Clause (i) of section 51(d)(8)(A) is amended by striking ''25'' and inserting ''40''.

(d) EXTENSION OF PAPERWORK FILING DEADLINE.—Section 51(d)(12)(A)(ii)(II) is amended by striking ''21st day'' and inserting ''28th day''.

(e) CONSOLIDATION OF WORK OPPORTUNITY CREDIT WITH WELFARE-TO-WORK CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 51(d) is amended by striking ''or'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', or'', and by adding at the end the following new subparagraph:

''(I) a long-term family assistance recipient.''.

(2) LONG-TERM FAMILY ASSISTANCE RECIPIENT.—Subsection (d) of section 51 is amended by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively, and by inserting after paragraph (9) the following new paragraph:

''(10) LONG-TERM FAMILY ASSISTANCE RECIPIENT.—The term 'long-term family assistance recipient' means any individual who is certified by the designated local agency—

''(A) as being a member of a family receiving assistance under a IV–A program (as defined in paragraph (2)(B)) for at least the 18-month period ending on the hiring date,

''(B)(i) as being a member of a family receiving such assistance for 18 months beginning after August 5, 1997, and

''(ii) as having a hiring date which is not more than 2 years after the end of the earliest such 18-month period, or

''(C)(i) as being a member of a family which ceased to be eligible for such assistance by reason of any limitation imposed by Federal or State law on the maximum period such assistance is payable to a family, and

''(ii) as having a hiring date which is not more than 2 years after the date of such cessation.''.

(3) INCREASED CREDIT FOR EMPLOYMENT OF LONG-TERM FAMILY ASSISTANCE RECIPIENTS.—Section 51 is amended by inserting after subsection (d) the following new subsection:

''(e) CREDIT FOR SECOND-YEAR WAGES FOR EMPLOYMENT OF LONG-TERM FAMILY ASSISTANCE RECIPIENTS.—

''(1) IN GENERAL.—With respect to the employment of a long-term family assistance recipient—

''(A) the amount of the work opportunity credit determined under this section for the taxable year shall include 50 percent of the qualified second-year wages for such year, and

''(B) in lieu of applying subsection (b)(3), the amount of the qualified first-year wages, and the amount of qualified second-year wages, which may be taken into account with respect to such a recipient shall not exceed $10,000 per year.

''(2) QUALIFIED SECOND-YEAR WAGES.—For purposes of this subsection, the term 'qualified second-year wages' means qualified wages—

''(A) which are paid to a long-term family assistance recipient, and

''(B) which are attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such recipient determined under subsection (b)(2).

''(3) SPECIAL RULES FOR AGRICULTURAL AND RAILWAY LABOR.—If such recipient is an employee to whom subparagraph (A) or (B) of subsection (h)(1) applies, rules similar to the rules of such subparagraphs shall apply except that—

''(A) such subparagraph (A) shall be applied by substituting '$10,000' for '$6,000', and

''(B) such subparagraph (B) shall be applied by substituting '$833.33' for '$500'.''.

(4) REPEAL OF SEPARATE WELFARE-TO-WORK CREDIT.—

(A) IN GENERAL.—Section 51A is hereby repealed.

(B) CLERICAL AMENDMENT.—The table of sections for subpart F of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 51A.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2005.

(2) CONSOLIDATION.—The amendments made by subsections (b), (c), (d), and (e) shall apply to individuals who begin work for the employer after December 31, 2006.

SEC. 106. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 32(c)(2)(B)(vi)(II) is amended by striking ''2007'' and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 107. EXTENSION AND MODIFICATION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking ''and 2005'' and inserting ''2005, 2006, and 2007''.

(b) SPECIAL RULES RELATING TO EXPENDITURES, ARBITRAGE, AND REPORTING.—

(1) IN GENERAL.—Section 1397E is amended—

(A) in subsection (d)(1), by striking ''and'' at the end of subparagraph (C)(iii), by striking the period at the end of subparagraph (D) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(E) the issue meets the requirements of subsections (f), (g), and (h).'', and

(B) by redesignating subsections (f), (g), (h), and (i) as subsection (i), (j), (k), and (l), respectively, and by inserting after subsection (e) the following new subsections:

''(f) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the issuer reasonably expects—

''(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified purposes with respect to

qualified zone academies within the 5-year period beginning on the date of issuance of the qualified zone academy bond,

''(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the qualified zone academy bond, and

''(C) such purposes will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

''(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related purposes will continue to proceed with due diligence.

''(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(g) SPECIAL RULES RELATING TO ARBITRAGE.—An issue shall be treated as meeting the requirements of this subsection if the issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

''(h) REPORTING.—Issuers of qualified academy zone bonds shall submit reports similar to the reports required under section 149(e).''.

(2) CONFORMING AMENDMENTS.—Sections 54(l)(3)(B) and 1400N(l)(7)(B)(ii) are each amended by striking ''section 1397E(i)'' and inserting ''section 1397E(l)''.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2005.

(2) SPECIAL RULES.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act pursuant to allocations of the national zone academy bond limitation for calendar years after 2005.

SEC. 108. ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2005'' and inserting ''2005, 2006, or 2007''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 109. EXTENSION AND EXPANSION OF EXPENSING OF BROWNFIELDS REMEDIATION COSTS.

(a) EXTENSION.—Subsection (h) of section 198 is amended by striking ''2005'' and inserting ''2007''.

(b) EXPANSION.—Section 198(d)(1) (defining hazardous substance) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) any petroleum product (as defined in section 4612(a)(3)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after December 31, 2005.

SEC. 110. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2005'' both places it appears and inserting ''2007''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2005.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2005'' and inserting ''2007''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2005.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2006'' each place it appears and inserting ''2008''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2010'' and inserting ''2012'', and

(ii) by striking ''2010'' in the heading thereof and inserting ''2012''.

(B) Section 1400B(g)(2) is amended by striking ''2010'' and inserting ''2012''.

(C) Section 1400F(d) is amended by striking ''2010'' and inserting ''2012''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2005.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2006'' and inserting ''2008''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2005.

SEC. 111. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Section 45A(f) is amended by striking ''2005'' and inserting ''2007''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 112. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.

(a) IN GENERAL.—Section 168(j)(8) is amended by striking ''2005'' and inserting ''2007''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2005.

SEC. 113. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT PROPERTY.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) are each amended by striking ''2006'' and inserting ''2008''.

(b) TREATMENT OF RESTAURANT PROPERTY TO INCLUDE NEW CONSTRUCTION.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

''(7) QUALIFIED RESTAURANT PROPERTY.—The term 'qualified restaurant property' means any section 1250 property which is a building or an improvement to a building if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2005.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 114. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Section 7652(f)(1) is amended by striking ''2006'' and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles brought into the United States after December 31, 2005.

SEC. 115. PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 9812(f)(3) is amended by striking ''2006'' and inserting ''2007''.

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking ''2006'' and inserting ''2007''.

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg–5(f)) is amended by striking ''2006''and inserting ''2007''.

SEC. 116. CORPORATE DONATIONS OF SCIENTIFIC PROPERTY USED FOR RESEARCH AND OF COMPUTER TECHNOLOGY AND EQUIPMENT.

(a) EXTENSION OF COMPUTER TECHNOLOGY AND EQUIPMENT DONATION.—

(1) IN GENERAL.—Section 170(e)(6)(G) is amended by striking ''2005'' and inserting ''2007''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to contributions made in taxable years beginning after December 31, 2005.

(b) EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.—

(1) SCIENTIFIC PROPERTY USED FOR RESEARCH.—

(A) IN GENERAL.—Clause (ii) of section 170(e)(4)(B) (defining qualified research contributions) is amended by inserting ''or assembled'' after ''constructed''.

(B) CONFORMING AMENDMENT.—Clause (iii) of section 170(e)(4)(B) is amended by inserting ''or assembly'' after ''construction''.

(2) COMPUTER TECHNOLOGY AND EQUIPMENT FOR EDUCATIONAL PURPOSES.—

(A) IN GENERAL.—Clause (ii) of section 170(e)(6)(B) is amended by inserting ''or assembled'' after ''constructed'' and ''or assembling'' after ''construction''.

(B) CONFORMING AMENDMENT.—Subparagraph (D) of section 170(e)(6) is amended by inserting ''or assembled'' after ''constructed'' and ''or assembly'' after ''construction''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2005.

SEC. 117. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) IN GENERAL.—Paragraphs (2) and (3)(B) of section 220(i) are each amended by striking ''2005'' each place it appears in the text and headings and inserting ''2007''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 220(j) is amended—

(A) in the text by striking ''or 2004'' each place it appears and inserting ''2004, 2005, or 2006'', and

(B) in the heading by striking ''OR 2004'' and inserting ''2004, 2005, OR 2006'' .

(2) Subparagraph (A) of section 220(j)(4) is amended by striking ''and 2004'' and inserting ''2004, 2005, and 2006''.

(c) TIME FOR FILING REPORTS, ETC.—

(1) The report required by section 220(j)(4) of the Internal Revenue Code of 1986 to be made on August 1, 2005, shall be treated as

timely if made before the close of the 90-day period beginning on the date of the enactment of this Act.

(2) The determination and publication required by section 220(j)(5) of such Code with respect to calendar year 2005 shall be treated as timely if made before the close of the 120-day period beginning on the date of the enactment of this Act. If the determination under the preceding sentence is that 2005 is a cut-off year under section 220(i) of such Code, the cut-off date under such section 220(i) shall be the last day of such 120-day period.

SEC. 118. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Section 613A(c)(6)(H) is amended by striking ''2006'' and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 119. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) IN GENERAL.—For purposes of section 30A of the Internal Revenue Code of 1986, a domestic corporation shall be treated as a qualified domestic corporation to which such section applies if such corporation—

(1) is an existing credit claimant with respect to American Samoa, and

(2) elected the application of section 936 of the Internal Revenue Code of 1986 for its last taxable year beginning before January 1, 2006.

(b) SPECIAL RULES FOR APPLICATION OF SECTION.—The following rules shall apply in applying section 30A of the Internal Revenue Code of 1986 for purposes of this section:

(1) AMOUNT OF CREDIT.—Notwithstanding section 30A(a)(1) of such Code, the amount of the credit determined under section 30A(a)(1) of such Code for any taxable year shall be the amount determined under section 30A(d) of such Code, except that section 30A(d) shall be applied without regard to paragraph (3) thereof.

(2) SEPARATE APPLICATION.—In applying section 30A(a)(3) of such Code in the case of a corporation treated as a qualified domestic corporation by reason of this section, section 30A of such Code (and so much of section 936 of such Code as relates to such section 30A) shall be applied separately with respect to American Samoa.

(3) FOREIGN TAX CREDIT ALLOWED.—Notwithstanding section 30A(e) of such Code, the provisions of section 936(c) of such Code shall not apply with respect to the credit allowed by reason of this section.

(c) DEFINITIONS.—For purposes of this section, any term which is used in this section which is also used in section 30A or 936 of such Code shall have the same meaning given such term by such section 30A or 936.

(d) APPLICATION OF SECTION.—Notwithstanding section 30A(h) or section 936(j) of such Code, this section (and so much of section 30A and section 936 of such Code as relates to this section) shall apply to the first two taxable years of a corporation to which subsection (a) applies which begin after December 31, 2005, and before January 1, 2008.

SEC. 120. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as 1400K and by adding at the end the following new section:

''SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

''(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

''(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

''(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

''(B) any such expenditures—

''(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

''(ii) not previously allocated under paragraph (3).

''(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

''(3) GENERAL ALLOCATION.—

''(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

''(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $1,750,000,000.

''(C) ANNUAL LIMIT.—

''(i) IN GENERAL.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

''(I) the applicable limit, plus

''(II) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

''(ii) APPLICABLE LIMIT.—For purposes of clause (i), the applicable limit for any calendar year is—

''(I) in the case of calendar years 2007 through 2016, $100,000,000,

''(II) in the case of calendar year 2017 or 2018, $200,000,000,

''(III) in the case of calendar year 2019, $150,000,000,

''(IV) in the case of calendar year 2020 or 2021, $100,000,000, and

''(V) in the case of any calendar year after 2021, zero.

''(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

''(i) the lesser of—

''(I) such excess, or

''(II) the qualifying project expenditure amount for such calendar year, reduced by

''(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

''(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

''(c) CARRYOVER OF UNUSED ALLOCATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year. No amount may be carried under the preceding sentence to a calendar year after 2026.

''(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CREDIT PERIOD.—The term 'credit period' means the 15-year period beginning on January 1, 2007.

''(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

''(A) the State of New York,

''(B) the City of New York, New York, and

''(C) any agency or instrumentality of such State or City.

''(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

''(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

''(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

''(1) which certifies—

''(A) the qualifying project expenditure amount for the calendar year, and

''(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

''(2) includes such other information as the Secretary may require to carry out this section.

''(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.

''(g) TERMINATION.—No credit shall be allowed under subsection (a) for any calender year after 2026.''.

(b) TERMINATION OF CERTAIN NEW YORK LIBERTY ZONE BENEFITS.—

(1) SPECIAL ALLOWANCE AND EXPENSING.—Section 1400K(b)(2)(A)(v), as redesignated by subsection (a), is amended by striking ''the termination date'' and inserting ''the date of the enactment of the Tax Relief Extension Act of 2006 or the termination date if pursuant to a binding contract in effect on such enactment date''.

(2) LEASEHOLD.—Section 1400K(c)(2)(B), as so redesignated, is amended by striking ''before January 1, 2007'' and inserting ''on or before the date of the enactment of the Tax Relief Extension Act of 2006 or before January 1, 2007, if pursuant to a binding contract in effect on such enactment date''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking ''section 1400L(a)'' and inserting ''section 1400K(a)''.

(2) Section 168(k)(2)(D)(ii) is amended by striking ''section 1400L(c)(2)'' and inserting ''1400K(c)(2)''.

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by striking ''1400L'' and inserting ''1400K''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to periods beginning after December 31, 2006.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall take effect as if included in section 301 of the Job Creation and Worker Assistance Act of 2002.

SEC. 121. EXTENSION OF BONUS DEPRECIATION FOR CERTAIN QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.

(a) IN GENERAL.—Subsection (d) of section 1400N is amended by adding at the end the following new paragraph:

''(6) EXTENSION FOR CERTAIN PROPERTY.—

''(A) IN GENERAL.—In the case of any specified Gulf Opportunity Zone extension property, paragraph (2)(A) shall be applied without regard to clause (v) thereof.

''(B) SPECIFIED GULF OPPORTUNITY ZONE EXTENSION PROPERTY.—For purposes of this paragraph, the term 'specified Gulf Opportunity Zone extension property' means property—

''(i) substantially all of the use of which is in one or more specified portions of the GO Zone, and

''(ii) which is—

''(I) nonresidential real property or residential rental property which is placed in service by the taxpayer on or before December 31, 2009, or

''(II) in the case of a taxpayer who places a building described in subclause (I) in service on or before December 31, 2009, property described in section 168(k)(2)(A)(i) if substantially all of the use of such property is in such building and such property is placed in service by the taxpayer not later than 90 days after such building is placed in service.

''(C) SPECIFIED PORTIONS OF THE GO ZONE.—For purposes of this paragraph, the term 'specified portions of the GO Zone' means those portions of the GO Zone which are in any county or parish which is identified by the Secretary as being a county or parish in which hurricanes occurring during 2005 damaged (in the aggregate) more than 40 percent of the housing units in such county or parish which were occupied (determined according to the 2000 Census).''.

(b) EXTENSION NOT APPLICABLE TO INCREASED SECTION 179 EXPENSING.—Paragraph (2) of section 1400N(e) is amended by inserting ''without regard to subsection (d)(6)'' after ''subsection (d)(2)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 101 of the Gulf Opportunity Zone Act of 2005.

SEC. 122. AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking ''2007'' both places it appears and inserting ''2008''.

SEC. 123. DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—

(1) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking ''2006'' and inserting ''2007''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to disclosures after December 31, 2006.

(b) DISCLOSURES RELATING TO TERRORIST ACTIVITIES.—

(1) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) and subparagraph (E) of section 6103(i)(7) are each amended by striking ''2006'' and inserting ''2007''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to disclosures after December 31, 2006.

(c) DISCLOSURES RELATING TO STUDENT LOANS.—

(1) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking ''2006'' and inserting ''2007''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to requests made after December 31, 2006.

TITLE II—OTHER TAX PROVISIONS

SEC. 201. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subsection (d) of section 199 (relating to definitions and special rules) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

''(8) TREATMENT OF ACTIVITIES IN PUERTO RICO.—

''(A) IN GENERAL.—In the case of any taxpayer with gross receipts for any taxable year from sources within the Commonwealth of Puerto Rico, if all of such receipts are taxable under section 1 or 11 for such taxable year, then for purposes of determining the domestic production gross receipts of such taxpayer for such taxable year under subsection (c)(4), the term 'United States' shall include the Commonwealth of Puerto Rico.

''(B) SPECIAL RULE FOR APPLYING WAGE LIMITATION.—In the case of any taxpayer described in subparagraph (A), for purposes of applying the limitation under subsection (b) for any taxable year, the determination of W–2 wages of such taxpayer shall be made without regard to any exclusion under section 3401(a)(8) for remuneration paid for services performed in Puerto Rico.

''(C) TERMINATION.—This paragraph shall apply only with respect to the first 2 taxable years of the taxpayer beginning after December 31, 2005, and before January 1, 2008.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 202. CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY MADE REFUNDABLE AFTER PERIOD OF YEARS.

(a) IN GENERAL.—Section 53 (relating to credit for prior year minimum tax liability) is amended by adding at the end the following new subsection:

''(e) SPECIAL RULE FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS.—

''(1) IN GENERAL.—If an individual has a long-term unused minimum tax credit for any taxable year beginning before January 1, 2013, the amount determined under subsection (c) for such taxable year shall not be less than the AMT refundable credit amount for such taxable year.

''(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The term 'AMT refundable credit amount' means, with respect to any taxable year, the amount equal to the greater of—

''(i) the lesser of—

''(I) $5,000, or

''(II) the amount of long-term unused minimum tax credit for such taxable year, or

''(ii) 20 percent of the amount of such credit.

''(B) PHASEOUT OF AMT REFUNDABLE CREDIT AMOUNT.—

''(i) IN GENERAL.—In the case of an individual whose adjusted gross income for any taxable year exceeds the threshold amount (within the meaning of section 151(d)(3)(C)), the AMT refundable credit amount determined under subparagraph (A) for such taxable year shall be reduced by the applicable percentage (within the meaning of section 151(d)(3)(B)).

''(ii) ADJUSTED GROSS INCOME.—For purposes of clause (i), adjusted gross income shall be determined without regard to sections 911, 931, and 933.

''(3) LONG-TERM UNUSED MINIMUM TAX CREDIT.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'long-term unused minimum tax credit' means, with respect to any taxable year, the portion of the minimum tax credit determined under subsection (b) attributable to the adjusted net minimum tax for taxable years before the 3rd taxable year immediately preceding such taxable year.

''(B) FIRST-IN, FIRST-OUT ORDERING RULE.—For purposes of subparagraph (A), credits shall be treated as allowed under subsection (a) on a first-in, first-out basis.

''(4) CREDIT REFUNDABLE.—For purposes of this title (other than this section), the credit allowed by reason of this subsection shall be treated as if it were allowed under subpart C.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by striking ''and 34'' and inserting ''34, and 53(e)''.

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''or 53(e)'' after ''section 35''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 203. RETURNS REQUIRED IN CONNECTION WITH CERTAIN OPTIONS.

(a) IN GENERAL.—So much of section 6039(a) as follows paragraph (2) is amended to read as follows:

''shall, for such calendar year, make a return at such time and in such manner, and setting forth such information, as the Secretary may by regulations prescribe.''.

(b) STATEMENTS TO PERSONS WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—Section 6039 is amended by redesignating subsections (b) and (c) as subsection (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

''(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REPORTED.—Every corporation making a return under subsection (a) shall furnish to each person whose name is set forth in such return a written statement setting forth such information as the Secretary may by regulations prescribe. The written statement required under the preceding sentence shall be furnished to such person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 6724(d)(1)(B) is amended by striking ''or'' at the end of clause (xvii), by striking ''and'' at the end of clause (xviii) and inserting ''or'', and by adding at the end the following new clause:

''(xix) section 6039(a) (relating to returns required with respect to certain options), and''.

(2) Section 6724(d)(2)(B) is amended by striking ''section 6039(a)'' and inserting ''section 6039(b)''.

(3) The heading of section 6039 and the item relating to such section in the table of sections of subpart A of part III of subchapter A of chapter 61 of such Code are each amended by striking ''Information'' and inserting ''Returns''.

(4) The heading of subsection (a) of section 6039 is amended by striking ''FURNISHING OF INFORMATION'' and inserting ''REQUIREMENT OF REPORTING''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 204. PARTIAL EXPENSING FOR ADVANCED MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by inserting after section 179D the following new section:

''SEC. 179E. ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

''(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat 50 percent of the cost of any qualified advanced mine safety equipment property as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified advanced mine safety equipment property is placed in service.

''(b) ELECTION.—

''(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall specify the advanced mine safety equipment property to which the election applies and shall be made in such manner as the Secretary may by regulations prescribe.

''(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

''(c) QUALIFIED ADVANCED MINE SAFETY EQUIPMENT PROPERTY.—For purposes of this section, the term 'qualified advanced mine safety equipment property' means any advanced mine safety equipment property for use in any underground mine located in the United States—

''(1) the original use of which commences with the taxpayer, and

''(2) which is placed in service by the taxpayer after the date of the enactment of this section.

''(d) ADVANCED MINE SAFETY EQUIPMENT PROPERTY.—For purposes of this section, the term 'advanced mine safety equipment property' means any of the following:

''(1) Emergency communication technology or device which is used to allow a miner to maintain constant communication with an individual who is not in the mine.

''(2) Electronic identification and location device which allows an individual who is not in the mine to track at all times the movements and location of miners working in or at the mine.

''(3) Emergency oxygen-generating, self-rescue device which provides oxygen for at least 90 minutes.

''(4) Pre-positioned supplies of oxygen which (in combination with self-rescue devices) can be used to provide each miner on a shift, in the event of an accident or other event which traps the miner in the mine or otherwise necessitates the use of such a self-rescue device, the ability to survive for at least 48 hours.

''(5) Comprehensive atmospheric monitoring system which monitors the levels of carbon monoxide, methane, and oxygen that are present in all areas of the mine and which can detect smoke in the case of a fire in a mine.

''(e) COORDINATION WITH SECTION 179.—No expenditures shall be taken into account under subsection (a) with respect to the portion of the cost of any property specified in an election under section 179.

''(f) REPORTING.—No deduction shall be allowed under subsection (a) to any taxpayer for any taxable year unless such taxpayer files with the Secretary a report containing such information with respect to the operation of the mines of the taxpayer as the Secretary shall require.

''(g) TERMINATION.—This section shall not apply to property placed in service after December 31, 2008.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 263(a)(1) is amended by striking ''or'' at the end of subparagraph (J), by striking the period at the end of subparagraph (K) and inserting '', or'', and by inserting after subparagraph (K) the following new subparagraph:

''(L) expenditures for which a deduction is allowed under section 179E.''.

(2) Section 312(k)(3)(B) is amended by striking ''or 179D'' each place it appears in the heading and text thereof and inserting ''179D, or 179E''.

(3) Paragraphs (2)(C) and (3)(C) of section 1245(a) are each amended by inserting ''179E,'' after ''179D,''.

(4) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 179D the following new item:

''Sec. 179E. Election to expense advanced mine safety equipment.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred after the date of the enactment of this Act.

SEC. 205. MINE RESCUE TEAM TRAINING TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

''SEC. 45N. MINE RESCUE TEAM TRAINING CREDIT.

''(a) AMOUNT OF CREDIT.—For purposes of section 38, the mine rescue team training credit determined under this section with respect to each qualified mine rescue team employee of an eligible employer for any taxable year is an amount equal to the lesser of—

''(1) 20 percent of the amount paid or incurred by the taxpayer during the taxable year with respect to the training program costs of such qualified mine rescue team employee (including wages of such employee while attending such program), or

''(2) $10,000.

''(b) QUALIFIED MINE RESCUE TEAM EMPLOYEE.—For purposes of this section, the term 'qualified mine rescue team employee' means with respect to any taxable year any full-time employee of the taxpayer who is—

''(1) a miner eligible for more than 6 months of such taxable year to serve as a mine rescue team member as a result of completing, at a minimum, an initial 20-hour course of instruction as prescribed by the Mine Safety and Health Administration's Office of Educational Policy and Development, or

''(2) a miner eligible for more than 6 months of such taxable year to serve as a mine rescue team member by virtue of receiving at least 40 hours of refresher training in such instruction.

''(c) ELIGIBLE EMPLOYER.—For purposes of this section, the term 'eligible employer' means any taxpayer which employs individuals as miners in underground mines in the United States.

''(d) WAGES.—For purposes of this section, the term 'wages' has the meaning given to such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

''(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2008.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking ''and'' at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting '', plus'', and by adding at the end the following new paragraph:

''(31) the mine rescue team training credit determined under section 45N(a).''.

(c) NO DOUBLE BENEFIT.—Section 280C is amended by adding at the end the following new subsection:

''(e) MINE RESCUE TEAM TRAINING CREDIT.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for the taxable year under section 45N(a).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45N. Mine rescue team training credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 206. WHISTLEBLOWER REFORMS.

(a) AWARDS TO WHISTLEBLOWERS.—

(1) IN GENERAL.—Section 7623 (relating to expenses of detection of underpayments and fraud, etc.) is amended—

(A) by striking ''The Secretary'' and inserting ''(a) IN GENERAL.—The Secretary'',

(B) by striking ''and'' at the end of paragraph (1) and inserting ''or'',

(C) by striking ''(other than interest)'', and

(D) by adding at the end the following new subsection:

''(b) AWARDS TO WHISTLEBLOWERS.—

''(1) IN GENERAL.—If the Secretary proceeds with any administrative or judicial action described in subsection (a) based on information brought to the Secretary's attention by an individual, such individual shall, subject to paragraph (2), receive as an award at least 15 percent but not more than 30 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related actions) or from any settlement in response to such action. The determination of the amount of such award by the Whistleblower Office shall depend upon the extent to which the individual substantially contributed to such action.

''(2) AWARD IN CASE OF LESS SUBSTANTIAL CONTRIBUTION.—

''(A) IN GENERAL.—In the event the action described in paragraph (1) is one which the Whistleblower Office determines to be based principally on disclosures of specific allegations (other than information provided by the individual described in paragraph (1)) resulting from a judicial or administrative hearing, from a governmental report, hearing, audit, or investigation, or from the news media, the Whistleblower Office may award such sums as it considers appropriate, but in no case more than 10 percent of the collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action (including any related

actions) or from any settlement in response to such action, taking into account the significance of the individual's information and the role of such individual and any legal representative of such individual in contributing to such action.

''(B) NONAPPLICATION OF PARAGRAPH WHERE INDIVIDUAL IS ORIGINAL SOURCE OF INFORMATION.—Subparagraph (A) shall not apply if the information resulting in the initiation of the action described in paragraph (1) was originally provided by the individual described in paragraph (1).

''(3) REDUCTION IN OR DENIAL OF AWARD.—If the Whistleblower Office determines that the claim for an award under paragraph (1) or (2) is brought by an individual who planned and initiated the actions that led to the underpayment of tax or actions described in subsection (a)(2), then the Whistleblower Office may appropriately reduce such award. If such individual is convicted of criminal conduct arising from the role described in the preceding sentence, the Whistleblower Office shall deny any award.

''(4) APPEAL OF AWARD DETERMINATION.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

''(5) APPLICATION OF THIS SUBSECTION.—This subsection shall apply with respect to any action—

''(A) against any taxpayer, but in the case of any individual, only if such individual's gross income exceeds $200,000 for any taxable year subject to such action, and

''(B) if the tax, penalties, interest, additions to tax, and additional amounts in dispute exceed $2,000,000.

''(6) ADDITIONAL RULES.—

''(A) NO CONTRACT NECESSARY.—No contract with the Internal Revenue Service is necessary for any individual to receive an award under this subsection.

''(B) REPRESENTATION.—Any individual described in paragraph (1) or (2) may be represented by counsel.

''(C) SUBMISSION OF INFORMATION.—No award may be made under this subsection based on information submitted to the Secretary unless such information is submitted under penalty of perjury.''.

(2) ASSIGNMENT TO SPECIAL TRIAL JUDGES.—

(A) IN GENERAL.—Section 7443A(b) (relating to proceedings which may be assigned to special trial judges) is amended by striking ''and'' at the end of paragraph (4), by redesignating paragraph (5) as paragraph (6), and by inserting after paragraph (4) the following new paragraph:

''(5) any proceeding under section 7623(b)(4), and''.

(B) CONFORMING AMENDMENT.—Section 7443A(c) is amended by striking ''or (4)'' and inserting ''(4), or (5)''.

(3) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES.—Subsection (a) of section 62 (relating to general rule defining adjusted gross income) is amended by inserting after paragraph (20) the following new paragraph:

''(21) ATTORNEYS FEES RELATING TO AWARDS TO WHISTLEBLOWERS.—Any deduction allowable under this chapter for attorney fees and court costs paid by, or on behalf of, the taxpayer in connection with any award under section 7623(b) (relating to awards to whistleblowers). The preceding sentence shall not apply to any deduction in excess of the amount includible in the taxpayer's gross income for the taxable year on account of such award.''.

(b) WHISTLEBLOWER OFFICE.—

(1) IN GENERAL.—Not later than the date which is 12 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance for the operation of a whistleblower program to be administered in the Internal Revenue Service by an office to be known as the ''Whistleblower Office'' which—

(A) shall at all times operate at the direction of the Commissioner of Internal Revenue and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner of Internal Revenue,

(B) shall analyze information received from any individual described in section 7623(b) of the Internal Revenue Code of 1986 and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office, and

(C) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual.

(2) REQUEST FOR ASSISTANCE.—The guidance issued under paragraph (1) shall specify that any assistance requested under paragraph (1)(C) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under paragraph (1)(A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

(c) REPORT BY SECRETARY.—The Secretary of the Treasury shall each year conduct a study and report to Congress on the use of section 7623 of the Internal Revenue Code of 1986, including—

(1) an analysis of the use of such section during the preceding year and the results of such use, and

(2) any legislative or administrative recommendations regarding the provisions of such section and its application.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to information provided on or after the date of the enactment of this Act.

SEC. 207. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

''SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

''(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

''(1) such person files what purports to be a return of a tax imposed by this title but which—

''(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

''(B) contains information that on its face indicates that the self-assessment is substantially incorrect, and

''(2) the conduct referred to in paragraph (1)—

''(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(B) reflects a desire to delay or impede the administration of Federal tax laws.

''(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

''(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

''(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

''(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

''(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(ii) reflects a desire to delay or impede the administration of Federal tax laws.

''(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

''(i) a request for a hearing under—

''(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

''(II) section 6330 (relating to notice and opportunity for hearing before levy), and

''(ii) an application under—

''(I) section 6159 (relating to agreements for payment of tax liability in installments),

''(II) section 7122 (relating to compromises), or

''(III) section 7811 (relating to taxpayer assistance orders).

''(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

''(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

''(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

''(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.''.

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

''(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''.

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking ''(A)'' and inserting ''(A)(i)'';

(B) by striking ''(B)'' and inserting ''(ii)'';

(C) by striking the period at the end of the first sentence and inserting ''; or''; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

''(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).''.

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing''.

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing'', and

(2) in subsection (c), by striking ''and (e)'' and inserting ''(e), and (g)''.

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

''(f) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''.

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

''Sec. 6702. Frivolous tax submissions.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 208. ADDITION OF MENINGOCOCCAL AND HUMAN PAPILLOMAVIRUS VACCINES TO LIST OF TAXABLE VACCINES.

(a) MENINGOCOCCAL VACCINE.—Section 4132(a)(1) (defining taxable vaccine) is amended by adding at the end the following new subparagraph:

''(O) Any meningococcal vaccine.''.

(b) HUMAN PAPILLOMAVIRUS VACCINE.—Section 4132(a)(1), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

''(P) Any vaccine against the human papillomavirus.''.

(c) EFFECTIVE DATE.—

(1) SALES, ETC.—The amendments made by this section shall apply to sales and uses on or after the first day of the first month which begins more than 4 weeks after the date of the enactment of this Act.

(2) DELIVERIES.—For purposes of paragraph (1) and section 4131 of the Internal Revenue Code of 1986, in the case of sales on or before the effective date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

SEC. 209. CLARIFICATION OF TAXATION OF CERTAIN SETTLEMENT FUNDS MADE PERMANENT.

(a) IN GENERAL.—Subsection (g) of section 468B, as amended by section 201 of the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 201 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 210. MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355 MADE PERMANENT.

(a) IN GENERAL.—Subparagraphs (A) and (D) of section 355(b)(3), as amended by section 202 of the Tax Increase Prevention and Reconciliation Act of 2005, are each amended by striking ''and on or before December 31, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 202 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 211. REVISION OF STATE VETERANS LIMIT MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (B) of section 143(l)(3), as amended by section 203 of the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking clause (iv).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 203 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 212. CAPITAL GAINS TREATMENT FOR CERTAIN SELF-CREATED MUSICAL WORKS MADE PERMANENT.

(a) IN GENERAL.—Paragraph (3) of section 1221(b), as amended by section 204 of the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking ''before January 1, 2011,''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 204 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 213. REDUCTION IN MINIMUM VESSEL TONNAGE WHICH QUALIFIES FOR TONNAGE TAX MADE PERMANENT.

(a) IN GENERAL.—Paragraph (4) of section 1355(a), as amended by section 205 of the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking ''10,000 (6,000, in the case of taxable years beginning after December 31, 2005, and ending before January 1, 2011)'' and inserting ''6,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 205 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 214. MODIFICATION OF SPECIAL ARBITRAGE RULE FOR CERTAIN FUNDS MADE PERMANENT.

(a) IN GENERAL.—Section 206 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''and before August 31, 2009''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 206 of the Tax Increase Prevention and Reconciliation Act of 2005.

SEC. 215. GREAT LAKES DOMESTIC SHIPPING TO NOT DISQUALIFY VESSEL FROM TONNAGE TAX.

(a) IN GENERAL.—Section 1355 (relating to definitions and special rules) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) GREAT LAKES DOMESTIC SHIPPING TO NOT DISQUALIFY VESSEL.—

''(1) IN GENERAL.—If the electing corporation elects (at such time and in such manner as the Secretary may require) to apply this subsection for any taxable year to any qualifying vessel which is used in qualified zone domestic trade during the taxable year—

''(A) solely for purposes of subsection (a)(4), such use shall be treated as use in United States foreign trade (and not as use in United States domestic trade), and

''(B) subsection (f) shall not apply with respect to such vessel for such taxable year.

''(2) EFFECT OF TEMPORARILY OPERATING VESSEL IN UNITED STATES DOMESTIC TRADE.—In the case of a qualifying vessel to which this subsection applies—

''(A) IN GENERAL.—An electing corporation shall be treated as using such vessel in qualified zone domestic trade during any period of temporary use in the United States domestic trade (other than qualified zone domestic trade) if the electing corporation gives timely notice to the Secretary stating—

''(i) that it temporarily operates or has operated in the United States domestic trade (other than qualified zone domestic trade) a qualifying vessel which had been used in the United States foreign trade or qualified zone domestic trade, and

''(ii) its intention to resume operation of the vessel in the United States foreign trade or qualified zone domestic trade.

''(B) NOTICE.—Notice shall be deemed timely if given not later than the due date (including extensions) for the corporation's tax return for the taxable year in which the temporary cessation begins.

''(C) PERIOD DISREGARD IN EFFECT.—The period of temporary use under subparagraph (A) continues until the earlier of the date of which—

''(i) the electing corporation abandons its intention to resume operations of the vessel in the United States foreign trade or qualified zone domestic trade, or

''(ii) the electing corporation resumes operation of the vessel in the United States foreign trade or qualified zone domestic trade.

''(D) NO DISREGARD IF DOMESTIC TRADE USE EXCEEDS 30 DAYS.—Subparagraph (A) shall not apply to any qualifying vessel which is operated in the United States domestic trade (other than qualified zone domestic trade) for more than 30 days during the taxable year.

''(3) ALLOCATION OF INCOME AND DEDUCTIONS TO QUALIFYING SHIPPING ACTIVITIES.—In the case of a qualifying vessel to which this subsection applies, the Secretary shall prescribe rules for the proper allocation of income, expenses, losses, and deductions between the qualified shipping activities and the other activities of such vessel.

''(4) QUALIFIED ZONE DOMESTIC TRADE.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified zone domestic trade' means the transportation of goods or passengers between places in the qualified zone if such transportation is in the United States domestic trade.

''(B) QUALIFIED ZONE.—The term 'qualified zone' means the Great Lakes Waterway and the St. Lawrence Seaway.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 216. USE OF QUALIFIED MORTGAGE BONDS TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.

(a) IN GENERAL.—Section 143(d)(2) (relating to exceptions to 3-year requirement) is amended by striking ''and'' at the end of subparagraph (B), by adding ''and'' at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

''(D) in the case of bonds issued after the date of the enactment of this subparagraph and before January 1, 2008, financing of any residence for a veteran (as defined in section 101 of title 38, United States Code), if such veteran has not previously qualified for and received such financing by reason of this subparagraph,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 217. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY CERTAIN EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Subparagraph (A) of section 121(d)(9) (relating to exclusion of gain from sale of principal residence) is amended by striking ''duty'' and all that follows and inserting ''duty—

''(i) as a member of the uniformed services,

''(ii) as a member of the Foreign Service of the United States, or

''(iii) as an employee of the intelligence community.''.

(b) EMPLOYEE OF INTELLIGENCE COMMUNITY DEFINED.—Subparagraph (C) of section 121(d)(9) is amended by redesignating clause (iv) as clause (v) and by inserting after clause (iii) the following new clause:

''(iv) EMPLOYEE OF INTELLIGENCE COMMUNITY.—The term 'employee of the intelligence community' means an employee (as defined by section 2105 of title 5, United States Code) of—

''(I) the Office of the Director of National Intelligence,

''(II) the Central Intelligence Agency,

''(III) the National Security Agency,

''(IV) the Defense Intelligence Agency,

''(V) the National Geospatial-Intelligence Agency,

''(VI) the National Reconnaissance Office,

''(VII) any other office within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs,

''(VIII) any of the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, the Department of Treasury, the Department of Energy, and the Coast Guard,

''(IX) the Bureau of Intelligence and Research of the Department of State, or

''(X) any of the elements of the Department of Homeland Security concerned with the analyses of foreign intelligence information.''.

(c) SPECIAL RULE.—Subparagraph (C) of section 121(d)(9), as amended by subsection (b), is amended by adding at the end the following new clause:

''(vi) SPECIAL RULE RELATING TO INTELLIGENCE COMMUNITY.—An employee of the intelligence community shall not be treated as serving on qualified extended duty unless such duty is at a duty station located outside the United States.''.

(d) CONFORMING AMENDMENT.—The heading for section 121(d)(9) is amended to read as follows: ''UNIFORMED SERVICES, FOREIGN SERVICE, AND INTELLIGENCE COMMUNITY''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act and before January 1, 2011.

SEC. 218. TREATMENT OF COKE AND COKE GAS.

(a) NONAPPLICATION OF PHASEOUT.—Section 45K(g)(2) is amended by adding at the end the following new subparagraph:

''(D) NONAPPLICATION OF PHASEOUT.—Subsection (b)(1) shall not apply.''.

(b) CLARIFICATION OF QUALIFYING FACILITY.—Section 45K(g)(1) is amended by inserting ''(other than from petroleum based products)'' after ''coke or coke gas''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 1321 of the Energy Policy Act of 2005.

SEC. 219. SALE OF PROPERTY BY JUDICIAL OFFICERS.

(a) IN GENERAL.—Section 1043(b) (relating to the sale of property to comply with conflict-of-interest requirements) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting '', or a judicial officer,'' after ''an officer or employee of the executive branch''; and

(B) in subparagraph (B), by inserting ''judicial canon,'' after ''any statute, regulation, rule,'';

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting ''judicial canon,'' after ''any Federal conflict of interest statute, regulation, rule,''; and

(B) in subparagraph (B), by inserting after ''the Director of the Office of Government Ethics,'' the following: ''in the case of executive branch officers or employees, or by the Judicial Conference of the United States (or its designee), in the case of judicial officers,''; and

(3) in paragraph (5)(B), by inserting ''judicial canon,'' after ''any statute, regulation, rule,''.

(b) JUDICIAL OFFICER DEFINED.—Section 1043(b) is amended by adding at the end the following new paragraph:

''(6) JUDICIAL OFFICER.—The term 'judicial officer' means the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, United States Court of Appeals for the Armed Forces, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of enactment of this Act.

SEC. 220. PREMIUMS FOR MORTGAGE INSURANCE.

(a) IN GENERAL.—Section 163(h)(3) (relating to qualified residence interest) is amended by adding at the end the following new subparagraph:

''(E) MORTGAGE INSURANCE PREMIUMS TREATED AS INTEREST.—

''(i) IN GENERAL.—Premiums paid or accrued for qualified mortgage insurance by a taxpayer during the taxable year in connection with acquisition indebtedness with respect to a qualified residence of the taxpayer shall be treated for purposes of this section as interest which is qualified residence interest.

''(ii) PHASEOUT.—The amount otherwise treated as interest under clause (i) shall be reduced (but not below zero) by 10 percent of such amount for each $1,000 ($500 in the case of a married individual filing a separate return) (or fraction thereof) that the taxpayer's adjusted gross income for the taxable year exceeds $100,000 ($50,000 in the case of a married individual filing a separate return).

''(iii) LIMITATION.—Clause (i) shall not apply with respect to any mortgage insurance contracts issued before January 1, 2007.

''(iv) TERMINATION.—Clause (i) shall not apply to amounts—

''(I) paid or accrued after December 31, 2007, or

''(II) properly allocable to any period after such date.''.

(b) DEFINITION AND SPECIAL RULES.—Section 163(h)(4) (relating to other definitions and special rules) is amended by adding at the end the following new subparagraphs:

''(E) QUALIFIED MORTGAGE INSURANCE.—The term 'qualified mortgage insurance' means—

''(i) mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and

''(ii) private mortgage insurance (as defined by section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901), as in effect on the date of the enactment of this subparagraph).

''(F) SPECIAL RULES FOR PREPAID QUALIFIED MORTGAGE INSURANCE.—Any amount paid by the taxpayer for qualified mortgage insurance that is properly allocable to any mortgage the payment of which extends to periods that are after the close of the taxable year in which such amount is paid shall be chargeable to capital account and shall be treated as paid in such periods to which so allocated. No deduction shall be allowed for the unamortized balance of such account if such mortgage is satisfied before the end of its term. The preceding sentences shall not apply to amounts paid for qualified mortgage insurance provided by the Veterans Administration or the Rural Housing Administration.''.

(c) INFORMATION RETURNS RELATING TO MORTGAGE INSURANCE.—Section 6050H (relating to returns relating to mortgage interest received in trade or business from individuals) is amended by adding at the end the following new subsection:

''(h) RETURNS RELATING TO MORTGAGE INSURANCE PREMIUMS.—

''(1) IN GENERAL.—The Secretary may prescribe, by regulations, that any person who, in the course of a trade or business, receives from any individual premiums for mortgage insurance aggregating $600 or more for any calendar year, shall make a return with respect to each such individual. Such return shall be in such form, shall be made at such time, and shall contain such information as the Secretary may prescribe.

''(2) STATEMENT TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under paragraph (1) shall furnish to each individual with respect to whom a return is made a written statement showing such information as the Secretary may prescribe. Such written statement shall be furnished on or before January 31 of the year following the calendar year for which the return under paragraph (1) was required to be made.

''(3) SPECIAL RULES.—For purposes of this subsection—

''(A) rules similar to the rules of subsection (c) shall apply, and

''(B) the term 'mortgage insurance' means—

''(i) mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and

''(ii) private mortgage insurance (as defined by section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901), as in effect on the date of the enactment of this subsection).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or accrued after December 31, 2006.

SEC. 221. MODIFICATION OF REFUNDS FOR KEROSENE USED IN AVIATION.

(a) IN GENERAL.—Paragraph (4) of section 6427(l) (relating to nontaxable uses of diesel fuel and kerosene) is amended to read as follows:

''(4) REFUNDS FOR KEROSENE USED IN AVIATION.—

''(A) KEROSENE USED IN COMMERCIAL AVIATION.—In the case of kerosene used in commercial aviation (as defined in section 4083(b)) (other than supplies for vessels or aircraft within the meaning of section 4221(d)(3)), paragraph (1) shall not apply to so much of the tax imposed by section 4041 or 4081, as the case may be, as is attributable to—

''(i) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

''(ii) so much of the rate of tax specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be, as does not exceed 4.3 cents per gallon.

''(B) KEROSENE USED IN NONCOMMERCIAL AVIATION.—In the case of kerosene used in aviation that is not commercial aviation (as so defined) (other than any use which is exempt from the tax imposed by section 4041(c) other than by reason of a prior imposition of tax), paragraph (1) shall not apply to—

''(i) any tax imposed by section 4041(c), and

''(ii) so much of the tax imposed by section 4081 as is attributable to—

''(I) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

''(II) so much of the rate of tax specified in section 4081(a)(2)(A)(iii) as does not exceed the rate specified in section 4081(a)(2)(C)(ii).

''(C) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—

''(i) IN GENERAL.—With respect to any kerosene used in aviation (other than kerosene described in clause (ii) or kerosene to which paragraph (5) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(I) is registered under section 4101, and

''(II) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).

''(ii) PAYMENTS FOR KEROSENE USED IN NONCOMMERCIAL AVIATION.—The amount which would be paid under paragraph (1) with respect to any kerosene to which subparagraph (B) applies shall be paid only to the ultimate vendor of such kerosene. A payment shall be made to such vendor if such vendor—

''(I) is registered under section 4101, and

''(II) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6427(l) is amended by striking paragraph (5) and by redesignating paragraph (6) as paragraph (5).

(2) Section 4082(d)(2)(B) is amended by striking ''section 6427(l)(6)(B)'' and inserting ''section 6427(l)(5)(B)''.

(3) Section 6427(i)(4)(A) is amended—

(A) by striking ''paragraph (4)(B), (5), or (6)'' each place it appears and inserting ''paragraph (4)(C) or (5)'', and

(B) by striking ''(l)(5), and (l)(6)'' and inserting ''(l)(4)(C)(ii), and (l)(5)''.

(4) Section 6427(l)(1) is amended by striking ''paragraph (4)(B)'' and inserting ''paragraph (4)(C)(i)''.

(5) Section 9502(d) is amended—

(A) in paragraph (2), by striking ''and (l)(5)'', and

(B) in paragraph (3), by striking ''or (5)''.

(6) Section 9503(c)(7) is amended—

(A) by amending subparagraphs (A) and (B) to read as follows:

''(A) 4.3 cents per gallon of kerosene subject to section 6427(l)(4)(A) with respect to which a payment has been made by the Secretary under section 6427(l), and

''(B) 21.8 cents per gallon of kerosene subject to section 6427(l)(4)(B) with respect to which a payment has been made by the Secretary under section 6427(l).'', and

(B) in the matter following subparagraph (B), by striking ''or (5)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to kerosene sold after September 30, 2005.

(2) SPECIAL RULE FOR PENDING CLAIMS.—In the case of kerosene sold for use in aviation (other than kerosene to which section 6427(l)(4)(C)(ii) of the Internal Revenue Code of 1986 (as added by subsection (a)) applies or kerosene to which section 6427(l)(5) of such Code (as redesignated by subsection (b)) applies) after September 30, 2005, and before the date of the enactment of this Act, the ultimate purchaser shall be treated as having waived the right to payment under section 6427(l)(1) of such Code and as having assigned such right to the ultimate vendor if such ultimate vendor has met the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1) of such Code.

(d) SPECIAL RULE FOR KEROSENE USED IN AVIATION ON A FARM FOR FARMING PURPOSES.—

(1) REFUNDS FOR PURCHASES AFTER DECEMBER 31, 2004, AND BEFORE OCTOBER 1, 2005.—The Secretary of the Treasury shall pay to the ultimate purchaser of any kerosene which is used in aviation on a farm for farming purposes and which was purchased after December 31, 2004, and before October 1, 2005, an amount equal to the aggregate amount of tax imposed on such fuel under section 4041 or 4081 of the Internal Revenue Code of 1986, as the case may be, reduced by any payment to the ultimate vendor under section 6427(l)(5)(C) of such Code (as in effect on the day before the date of the enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users).

(2) USE ON A FARM FOR FARMING PURPOSES.—For purposes of paragraph (1), kerosene shall be treated as used on a farm for farming purposes if such kerosene is used for farming purposes (within the meaning of section 6420(c)(3) of the Internal Revenue Code of 1986) in carrying on a trade or business on a farm situated in the United States. For purposes of the preceding sentence, rules similar to the rules of section 6420(c)(4) of such Code shall apply.

(3) TIME FOR FILING CLAIMS.—No claim shall be allowed under paragraph (1) unless the ultimate purchaser files such claim before the date that is 3 months after the date of the enactment of this Act.

(4) NO DOUBLE BENEFIT.—No amount shall be paid under paragraph (1) or section 6427(l) of the Internal Revenue Code of 1986 with respect to any kerosene described in paragraph (1) to the extent that such amount is in excess of the tax imposed on such kerosene under section 4041 or 4081 of such Code, as the case may be.

(5) APPLICABLE LAWS.—For purposes of this subsection, rules similar to the rules of section 6427(j) of the Internal Revenue Code of 1986 shall apply.

SEC. 222. DEDUCTION FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 is amended by adding at the end the following new section:

''SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.

''(a) IN GENERAL.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income equal to 60 percent of the lesser of—

''(1) the taxpayer's qualified timber gain for such year, or

''(2) the taxpayer's net capital gain for such year.

''(b) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

''(1) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

''(2) the sum of the taxpayer's losses described in such subsections for such year.

''(c) SPECIAL RULES FOR PASS-THRU ENTITIES.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1(h)(10))—

''(1) the election under this section shall be made separately by each taxpayer subject to tax on such gain, and

''(2) the Secretary may prescribe such regulations as are appropriate to apply this section to such gain.

''(d) TERMINATION.—No disposition of timber after December 31, 2007, shall be taken into account under subsection (b).''.

(b) COORDINATION WITH MAXIMUM CAPITAL GAINS RATES.—

(1) TAXPAYERS OTHER THAN CORPORATIONS.—Paragraph (2) of section 1(h) is amended to read as follows:

''(2) REDUCTION OF NET CAPITAL GAIN.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

''(A) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

''(B) in the case of a taxable year with respect to which an election is in effect under section 1203, the lesser of—

''(i) the amount described in paragraph (1) of section 1203(a), or

''(ii) the amount described in paragraph (2) of such section.''.

(2) CORPORATIONS.—Section 1201 is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

''(b) QUALIFIED TIMBER GAIN NOT TAKEN INTO ACCOUNT.—For purposes of this section, in the case of a corporation with respect to which an election is in effect under section 1203, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation's qualified timber gain (as defined in section 1203(b)).''.

(c) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62, as amended by this Act, is amended by inserting before the last sentence the following new paragraph:

''(22) QUALIFIED TIMBER GAINS.—The deduction allowed by section 1203.''.

(d) DEDUCTION ALLOWED IN COMPUTING ADJUSTED CURRENT EARNINGS.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

''(vii) DEDUCTION FOR QUALIFIED TIMBER GAIN.—Clause (i) shall not apply to any deduction allowed under section 1203.''.

(e) DEDUCTION ALLOWED IN COMPUTING TAXABLE INCOME OF ELECTING SMALL BUSINESS TRUSTS.—Subparagraph (C) of section 641(c)(2) is amended by inserting after clause (iii) the following new clause:

''(iv) The deduction allowed under section 1203.''.

(f) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 172(d)(2) is amended to read as follows:

''(B) the exclusion under section 1202 and the deduction under section 1203 shall not be allowed.''.

(2) Paragraph (4) of section 642(c) is amended by striking the first sentence and inserting the following: ''To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202 and for any deduction allowable to the estate or trust under section 1203.''.

(3) Paragraph (3) of section 643(a) is amended by striking the last sentence and inserting the following: ''The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account.''.

(4) Subparagraph (C) of section 643(a)(6) is amended to read as follows:

''(C) Paragraph (3) shall not apply to a foreign trust. In the case of such a trust—

''(i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and

''(ii) the deduction under section 1203 shall not be taken into account.''.

(5) Paragraph (4) of section 691(c) is amended by inserting ''1203,'' after ''1202,''.

(6) Paragraph (2) of section 871(a) is amended by striking ''section 1202'' and inserting ''sections 1202 and 1203''.

(7) The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end the following new item:

''Sec. 1203. Deduction for qualified timber gain.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) TAXABLE YEARS WHICH INCLUDE DATE OF ENACTMENT.—In the case of any taxable year which includes the date of the enactment of this Act, for purposes of the Internal Revenue Code of 1986, the taxpayer's qualified timber gain shall not exceed the excess that would be described in section 1203(b) of such Code, as added by this section, if only dispositions of timber after such date were taken into account.

SEC. 223. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

(a) IN GENERAL.—Subpart H of part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new section:

"SEC. 54A. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a rural renaissance bond on a credit allowance date of such bond, which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a rural renaissance bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any rural renaissance bond is the product of—

''(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

''(B) the outstanding face amount of the bond.

''(3) DETERMINATION.—For purposes of paragraph (2), with respect to any rural renaissance bond, the Secretary shall determine daily or caused to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of rural renaissance bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

''(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term also includes the last day on which the bond is outstanding.

''(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowable under this part (other than subpart C and this section).

''(d) RURAL RENAISSANCE BOND.—For purposes of this section—

''(1) IN GENERAL.—The term 'rural renaissance bond' means any bond issued as part of an issue if—

''(A) the bond is issued by a qualified issuer,

''(B) 95 percent or more of the proceeds from the sale of such issue are to be used for capital expenditures incurred for 1 or more qualified projects,

''(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form, and

''(D) the issue meets the requirements of subsections (e) and (h).

''(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

''(A) IN GENERAL.—The term 'qualified project' means 1 or more projects described in subparagraph (B) located in a rural area.

''(B) PROJECTS DESCRIBED.—A project described in this subparagraph is—

''(i) a water or waste treatment project,

''(ii) an affordable housing project,

''(iii) a community facility project, including hospitals, fire and police stations, and nursing and assisted-living facilities,

''(iv) a value-added agriculture or renewable energy facility project for agricultural producers or farmer-owned entities, including any project to promote the production, processing, or retail sale of ethanol (including fuel at least 85 percent of the volume of which consists of ethanol), biodiesel, animal waste, biomass, raw commodities, or wind as a fuel,

''(v) a distance learning or telemedicine project,

''(vi) a rural utility infrastructure project, including any electric or telephone system,

''(vii) a project to expand broadband technology,

''(viii) a rural teleworks project, and

''(ix) any project described in any preceding clause carried out by the Delta Regional Authority.

''(C) SPECIAL RULES.—For purposes of this paragraph—

''(i) any project described in subparagraph (B)(iv) for a farmer-owned entity may be considered a qualified project if such entity is located in a rural area, or in the case of a farmer-owned entity the headquarters of which are located in a nonrural area, if the project is located in a rural area, and

''(ii) any project for a farmer-owned entity which is a facility described in subparagraph (B)(iv) for agricultural producers may be considered a qualified project regardless of whether the facility is located in a rural or nonrural area.

''(3) SPECIAL USE RULES.—

''(A) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a rural renaissance bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred after the date of the enactment of this section.

''(B) REIMBURSEMENT.—For purposes of paragraph (1)(B), a rural renaissance bond may be issued to reimburse a borrower for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

''(i) prior to the payment of the original expenditure, the borrower declared its intent to reimburse such expenditure with the proceeds of a rural renaissance bond,

''(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

''(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

''(C) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a borrower takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a rural renaissance bond.

''(e) MATURITY LIMITATIONS.—

''(1) DURATION OF TERM.—A bond shall not be treated as a rural renaissance bond if the maturity of such bond exceeds the maximum term determined by the Secretary under paragraph (2) with respect to such bond.

''(2) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined without regard to the requirements of paragraph (3) and using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

''(3) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a rural renaissance bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each calendar year that the issue is outstanding.

''(f) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a rural renaissance bond limitation of $200,000,000.

''(2) ALLOCATION BY SECRETARY.—The Secretary shall allocate the amount described in paragraph (1) among qualified projects in such manner as the Secretary determines appropriate.

''(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(h) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

''(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the rural renaissance bond,

''(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the rural renaissance bond or, in the case of a rural renaissance bond, the proceeds of which are to be loaned to 2 or more borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a borrower, and

''(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

''(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

''(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of

issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a rural renaissance bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

''(j) QUALIFIED ISSUER.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified issuer' means any not-for-profit cooperative lender which has as of the date of the enactment of this section received a guarantee under section 306 of the Rural Electrification Act and which meets the requirement of paragraph (2).

''(2) USER FEE REQUIREMENT.—The requirement of this paragraph is met if the issuer of any rural renaissance bond makes grants for qualified projects as defined under subsection (d)(2) on a semi-annual basis every year that such bond is outstanding in an annual amount equal to one-half of the rate on United States Treasury Bills of the same maturity multiplied by the outstanding principal balance of rural renaissance bonds issued by such issuer.

''(k) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to a loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

''(l) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BOND.—The term 'bond' includes any obligation.

''(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

''(3) RURAL AREA.—The term 'rural area' means any area other than—

''(A) a city or town which has a population of greater than 50,000 inhabitants, or

''(B) the urbanized area contiguous and adjacent to such a city or town.

''(4) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

''(A) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

''(B) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(l) shall apply.

''(5) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any rural renaissance bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(6) REPORTING.—Issuers of rural renaissance bonds shall submit reports similar to the reports required under section 149(e).''.

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(9) REPORTING OF CREDIT ON RURAL RENAISSANCE BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A(f) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(b)(4)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart H of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54A. Credit to holders of rural renaissance bonds.''.

(2) Section 54(c)(2) is amended by inserting '', section 54A,'' after ''subpart C''.

(3) Section 1400N(l)(3)(B) is amended by inserting '', section 54A,'' after ''subpart C''.

(d) ISSUANCE OF REGULATIONS.—The Secretary of Treasury shall issue regulations required under section 54A of the Internal Revenue Code of 1986 (as added by this section) not later than 120 days after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act and before January 1, 2010.

SEC. 224. RESTORATION OF DEDUCTION FOR TRAVEL EXPENSES OF SPOUSE, ETC. ACCOMPANYING TAXPAYER ON BUSINESS TRAVEL.

(a) IN GENERAL.—Subsection (m) of section 274 (relating to additional limitations on travel expenses) is amended by adding at the end the following new paragraph:

''(4) TERMINATION.—Paragraph (3) shall not apply to any expense paid or incurred after the date of the enactment of this paragraph and before January 1, 2008.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 225. TECHNICAL CORRECTIONS.

(a) TECHNICAL CORRECTION RELATING TO LOOK-THROUGH TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER THE FOREIGN PERSONAL HOLDING COMPANY RULES.—

(1) IN GENERAL.—

(A) The first sentence of section 954(c)(6)(A), as amended by section 103(b) of the Tax Increase Prevention and Reconciliation Act of 2005, is amended by striking ''which is not subpart F income'' and inserting ''which is neither subpart F income nor income treated as effectively connected with the conduct of a trade or business in the United States''.

(B) Section 954(c)(6)(A), as so amended, is amended by striking the last sentence and inserting the following: ''The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including such regulations as may be necessary or appropriate to prevent the abuse of the purposes of this paragraph.''

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in section 103(b) of the Tax Increase Prevention and Reconciliation Act of 2005.

(b) TECHNICAL CORRECTION REGARDING AUTHORITY TO EXERCISE REASONABLE CAUSE AND GOOD FAITH EXCEPTION.—

(1) IN GENERAL.—Section 903(d)(2)(B)(iii) of the American Jobs Creation Act of 2004, as amended by section 303(a) of the Gulf Opportunity Zone Act of 2005, is amended by inserting ''or the Secretary's delegate'' after ''the Secretary of the Treasury''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

TITLE III—SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS OF 2006

SEC. 301. SHORT TITLE.

This title may be cited as the ''Surface Mining Control and Reclamation Act Amendments of 2006''.

Subtitle A—Mining Control and Reclamation

SEC. 311. ABANDONED MINE RECLAMATION FUND AND PURPOSES.

(a) IN GENERAL.—Section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) is amended—

(1) in subsection (c)—

(A) by striking paragraphs (2) and (6); and

(B) by redesignating paragraphs (3), (4), and (5) and paragraphs (7) through (13) as paragraphs (2) through (11), respectively;

(2) by striking subsection (d) and inserting the following:

''(d) AVAILABILITY OF MONEYS; NO FISCAL YEAR LIMITATION.—

''(1) IN GENERAL.—Moneys from the fund for expenditures under subparagraphs (A) through (D) of section 402(g)(3) shall be available only when appropriated for those subparagraphs.

''(2) NO FISCAL YEAR LIMITATION.—Appropriations described in paragraph (1) shall be made without fiscal year limitation.

''(3) OTHER PURPOSES.—Moneys from the fund shall be available for all other purposes of this title without prior appropriation as provided in subsection (f).'';

(3) in subsection (e)—

(A) in the second sentence, by striking ''the needs of such fund'' and inserting ''achieving the purposes of the transfers under section 402(h)''; and

(B) in the third sentence, by inserting before the period the following: ''for the purpose of the transfers under section 402(h)''; and

(4) by adding at the end the following:

''(f) GENERAL LIMITATION ON OBLIGATION AUTHORITY.—

''(1) IN GENERAL.—From amounts deposited into the fund under subsection (b), the Secretary shall distribute during each fiscal year beginning after September 30, 2007, an amount determined under paragraph (2).

''(2) AMOUNTS.—

''(A) FOR FISCAL YEARS 2008 THROUGH 2022.—For each of fiscal years 2008 through 2022, the amount distributed by the Secretary under this subsection shall be equal to—

''(i) the amounts deposited into the fund under paragraphs (1), (2), and (4) of subsection (b) for the preceding fiscal year that were allocated under paragraphs (1) and (5) of section 402(g); plus

''(ii) the amount needed for the adjustment under section 402(g)(8) for the current fiscal year.

''(B) FISCAL YEARS 2023 AND THEREAFTER.—For fiscal year 2023 and each fiscal year thereafter, to the extent that funds are available, the Secretary shall distribute an amount equal to the amount distributed under subparagraph (A) during fiscal year 2022.

''(3) DISTRIBUTION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), for each fiscal year, of the amount to be distributed to States and Indian tribes pursuant to paragraph (2), the Secretary shall distribute—

''(i) the amounts allocated under paragraph (1) of section 402(g), the amounts allocated under paragraph (5) of section 402(g), and any amount reallocated under section

411(h)(3) in accordance with section 411(h)(2), for grants to States and Indian tribes under section 402(g)(5); and

''(ii) the amounts allocated under section 402(g)(8).

''(B) EXCLUSION.—Beginning on October 1, 2007, certified States shall be ineligible to receive amounts under section 402(g)(1).

''(4) AVAILABILITY.—Amounts in the fund available to the Secretary for obligation under this subsection shall be available until expended.

''(5) ADDITION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the amount distributed under this subsection for each fiscal year shall be in addition to the amount appropriated from the fund during the fiscal year.

''(B) EXCEPTIONS.—Notwithstanding paragraph (3), the amount distributed under this subsection for the first 4 fiscal years beginning on and after October 1, 2007, shall be equal to the following percentage of the amount otherwise required to be distributed:

''(i) 50 percent in fiscal year 2008.

''(ii) 50 percent in fiscal year 2009.

''(iii) 75 percent in fiscal year 2010.

''(iv) 75 percent in fiscal year 2011.''.

(b) CONFORMING AMENDMENT.—Section 712(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1302(b)) is amended by striking ''section 401(c)(11)'' and inserting ''section 401(c)(9)''.

SEC. 312. RECLAMATION FEE.

(a) AMOUNTS.—

(1) FISCAL YEARS 2008–2012.—Effective October 1, 2007, section 402(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(a)) is amended—

(A) by striking ''35'' and inserting ''31.5'';

(B) by striking ''15'' and inserting ''13.5''; and

(C) by striking ''10 cents'' and inserting ''9 cents''.

(2) FISCAL YEARS 2013–2021.—Effective October 1, 2012, section 402(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(a)) (as amended by paragraph (1)) is amended—

(A) by striking ''31.5'' and inserting ''28'';

(B) by striking ''13.5'' and inserting ''12''; and

(C) by striking ''9 cents'' and inserting ''8 cents''.

(b) DURATION.—Effective September 30, 2007, section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) (as amended by section 7007 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 484)) is amended by striking ''September 30, 2007'' and all that follows through the end of the sentence and inserting ''September 30, 2021.''.

(c) ALLOCATION OF FUNDS.—Section 402(g) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)) is amended—

(1) in paragraph (1)(D)—

(A) by inserting ''(except for grants awarded during fiscal years 2008, 2009, and 2010 to the extent not expended within 5 years)'' after ''this paragraph''; and

(B) by striking ''in any area under paragraph (2), (3), (4), or (5)'' and inserting ''under paragraph (5)'';

(2) by striking paragraph (2) and inserting:

''(2) In making the grants referred to in paragraph (1)(C) and the grants referred to in paragraph (5), the Secretary shall ensure strict compliance by the States and Indian tribes with the priorities described in section 403(a) until a certification is made under section 411(a).'';

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''paragraphs (2) and'' and inserting ''paragraph'';

(B) in subparagraph (A), by striking ''401(c)(11)'' and inserting ''401(c)(9)''; and

(C) by adding at the end the following:

''(E) For the purpose of paragraph (8).'';

(4) in paragraph (5)—

(A) by inserting ''(A)'' after ''(5)'';

(B) in the first sentence, by striking ''40'' and inserting ''60'';

(C) in the last sentence, by striking ''Funds allocated or expended by the Secretary under paragraphs (2), (3), or (4)'' and inserting ''Funds made available under paragraph (3) or (4)''; and

(D) by adding at the end the following:

''(B) Any amount that is reallocated and available under section 411(h)(3) shall be in addition to amounts that are allocated under subparagraph (A).''; and

(5) by striking paragraphs (6) through (8) and inserting the following:

''(6)(A) Any State with an approved abandoned mine reclamation program pursuant to section 405 may receive and retain, without regard to the 3-year limitation referred to in paragraph (1)(D), up to 30 percent of the total of the grants made annually to the State under paragraphs (1) and (5) if those amounts are deposited into an acid mine drainage abatement and treatment fund established under State law, from which amounts (together with all interest earned on the amounts) are expended by the State for the abatement of the causes and the treatment of the effects of acid mine drainage in a comprehensive manner within qualified hydrologic units affected by coal mining practices.

''(B) In this paragraph, the term 'qualified hydrologic unit' means a hydrologic unit—

''(i) in which the water quality has been significantly affected by acid mine drainage from coal mining practices in a manner that adversely impacts biological resources; and

''(ii) that contains land and water that are—

''(I) eligible pursuant to section 404 and include any of the priorities described in section 403(a); and

''(II) the subject of expenditures by the State from the forfeiture of bonds required under section 509 or from other States sources to abate and treat acid mine drainage.

''(7) In complying with the priorities described in section 403(a), any State or Indian tribe may use amounts available in grants made annually to the State or tribe under paragraphs (1) and (5) for the reclamation of eligible land and water described in section 403(a)(3) before the completion of reclamation projects under paragraphs (1) and (2) of section 403(a) only if the expenditure of funds for the reclamation is done in conjunction with the expenditure before, on, or after the date of enactment of the Surface Mining Control and Reclamation Act Amendments of 2006 of funds for reclamation projects under paragraphs (1) and (2) of section 403(a).

''(8)(A) In making funds available under this title, the Secretary shall ensure that the grant awards total not less than $3,000,000 annually to each State and each Indian tribe having an approved abandoned mine reclamation program pursuant to section 405 and eligible land and water pursuant to section 404, so long as an allocation of funds to the State or tribe is necessary to achieve the priorities stated in paragraphs (1) and (2) of section 403(a).

''(B) Notwithstanding any other provision of law, this paragraph applies to the States of Tennessee and Missouri.''.

(d) TRANSFERS OF INTEREST EARNED BY ABANDONED MINE RECLAMATION FUND.—Section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232) is amended by striking subsection (h) and inserting the following:

''(h) TRANSFERS OF INTEREST EARNED BY FUND.—

''(1) IN GENERAL.—

''(A) TRANSFERS TO COMBINED BENEFIT FUND.—As soon as practicable after the beginning of fiscal year 2007 and each fiscal year thereafter, and before making any allocation with respect to the fiscal year under subsection (g), the Secretary shall use an amount not to exceed the amount of interest that the Secretary estimates will be earned and paid to the fund during the fiscal year to make the transfer described in paragraph (2)(A).

''(B) TRANSFERS TO 1992 AND 1993 PLANS.—As soon as practicable after the beginning of fiscal year 2008 and each fiscal year thereafter, and before making any allocation with respect to the fiscal year under subsection (g), the Secretary shall use an amount not to exceed the amount of interest that the Secretary estimates will be earned and paid to the fund during the fiscal year (reduced by the amount used under subparagraph (A)) to make the transfers described in paragraphs (2)(B) and (2)(C).

''(2) TRANSFERS DESCRIBED.—The transfers referred to in paragraph (1) are the following:

''(A) UNITED MINE WORKERS OF AMERICA COMBINED BENEFIT FUND.—A transfer to the United Mine Workers of America Combined Benefit Fund equal to the amount that the trustees of the Combined Benefit Fund estimate will be expended from the fund for the fiscal year in which the transfer is made, reduced by—

''(i) the amount the trustees of the Combined Benefit Fund estimate the Combined Benefit Fund will receive during the fiscal year in—

''(I) required premiums; and

''(II) payments paid by Federal agencies in connection with benefits provided by the Combined Benefit Fund; and

''(ii) the amount the trustees of the Combined Benefit Fund estimate will be expended during the fiscal year to provide health benefits to beneficiaries who are unassigned beneficiaries solely as a result of the application of section 9706(h)(1) of the Internal Revenue Code of 1986, but only to the extent that such amount does not exceed the amounts described in subsection (i)(1)(A) that the Secretary estimates will be available to pay such estimated expenditures.

''(B) UNITED MINE WORKERS OF AMERICA 1992 BENEFIT PLAN.—A transfer to the United Mine Workers of America 1992 Benefit Plan, in an amount equal to the difference between—

''(i) the amount that the trustees of the 1992 UMWA Benefit Plan estimate will be expended from the 1992 UMWA Benefit Plan during the next calendar year to provide the benefits required by the 1992 UMWA Benefit Plan on the date of enactment of this subparagraph; minus

''(ii) the amount that the trustees of the 1992 UMWA Benefit Plan estimate the 1992 UMWA Benefit Plan will receive during the next calendar year in—

''(I) required monthly per beneficiary premiums, including the amount of any security provided to the 1992 UMWA Benefit Plan that is available for use in the provision of benefits; and

''(II) payments paid by Federal agencies in connection with benefits provided by the 1992 UMWA benefit plan.

''(C) MULTIEMPLOYER HEALTH BENEFIT PLAN.—A transfer to the Multiemployer Health Benefit Plan established after July 20, 1992, by the parties that are the settlors of the 1992 UMWA Benefit Plan referred to in

subparagraph (B) (referred to in this subparagraph and subparagraph (D) as 'the Plan'), in an amount equal to the excess (if any) of—

''(i) the amount that the trustees of the Plan estimate will be expended from the Plan during the next calendar year, to provide benefits no greater than those provided by the Plan as of December 31, 2006; over

''(ii) the amount that the trustees estimated the Plan will receive during the next calendar year in payments paid by Federal agencies in connection with benefits provided by the Plan.

Such excess shall be calculated by taking into account only those beneficiaries actually enrolled in the Plan as of December 31, 2006, who are eligible to receive benefits under the Plan on the first day of the calendar year for which the transfer is made.

''(D) INDIVIDUALS CONSIDERED ENROLLED.—For purposes of subparagraph (C), any individual who was eligible to receive benefits from the Plan as of the date of enactment of this subsection, even though benefits were being provided to the individual pursuant to a settlement agreement approved by order of a bankruptcy court entered on or before September 30, 2004, will be considered to be actually enrolled in the Plan and shall receive benefits from the Plan beginning on December 31, 2006.

''(3) ADJUSTMENT.—If, for any fiscal year, the amount of a transfer under subparagraph (A), (B), or (C) of paragraph (2) is more or less than the amount required to be transferred under that subparagraph, the Secretary shall appropriately adjust the amount transferred under that subparagraph for the next fiscal year.

''(4) ADDITIONAL AMOUNTS.—

''(A) PREVIOUSLY CREDITED INTEREST.—Notwithstanding any other provision of law, any interest credited to the fund that has not previously been transferred to the Combined Benefit Fund referred to in paragraph (2)(A) under this section—

''(i) shall be held in reserve by the Secretary until such time as necessary to make the payments under subparagraphs (A) and (B) of subsection (i)(1), as described in clause (ii); and

''(ii) in the event that the amounts described in subsection (i)(1) are insufficient to make the maximum payments described in subparagraphs (A) and (B) of subsection (i)(1), shall be used by the Secretary to supplement the payments so that the maximum amount permitted under those paragraphs is paid.

''(B) PREVIOUSLY ALLOCATED AMOUNTS.—All amounts allocated under subsection (g)(2) before the date of enactment of this subparagraph for the program described in section 406, but not appropriated before that date, shall be available to the Secretary to make the transfers described in paragraph (2).

''(C) ADEQUACY OF PREVIOUSLY CREDITED INTEREST.—The Secretary shall—

''(i) consult with the trustees of the plans described in paragraph (2) at reasonable intervals; and

''(ii) notify Congress if a determination is made that the amounts held in reserve under subparagraph (A) are insufficient to meet future requirements under subparagraph (A)(ii).

''(D) ADDITIONAL RESERVE AMOUNTS.—In addition to amounts held in reserve under subparagraph (A), there is authorized to be appropriated such sums as may be necessary for transfer to the fund to carry out the purposes of subparagraph (A)(ii).

''(E) INAPPLICABILITY OF CAP.—The limitation described in subsection (i)(3)(A) shall not apply to payments made from the reserve fund under this paragraph.

''(5) LIMITATIONS.—

''(A) AVAILABILITY OF FUNDS FOR NEXT FISCAL YEAR.—The Secretary may make transfers under subparagraphs (B) and (C) of paragraph (2) for a calendar year only if the Secretary determines, using actuarial projections provided by the trustees of the Combined Benefit Fund referred to in paragraph (2)(A), that amounts will be available under paragraph (1), after the transfer, for the next fiscal year for making the transfer under paragraph (2)(A).

''(B) RATE OF CONTRIBUTIONS OF OBLIGORS.—

''(i) IN GENERAL.—

''(I) RATE.—A transfer under paragraph (2)(C) shall not be made for a calendar year unless the persons that are obligated to contribute to the plan referred to in paragraph (2)(C) on the date of the transfer are obligated to make the contributions at rates that are no less than those in effect on the date which is 30 days before the date of enactment of this subsection.

''(II) APPLICATION.—The contributions described in subclause (I) shall be applied first to the provision of benefits to those plan beneficiaries who are not described in paragraph (2)(C)(ii).

''(ii) INITIAL CONTRIBUTIONS.—

''(I) IN GENERAL.—From the date of enactment of the Surface Mining Control and Reclamation Act Amendments of 2006 through December 31, 2010, the persons that, on the date of enactment of that Act, are obligated to contribute to the plan referred to in paragraph (2)(C) shall be obligated, collectively, to make contributions equal to the amount described in paragraph (2)(C), less the amount actually transferred due to the operation of subparagraph (C).

''(II) FIRST CALENDAR YEAR.—Calendar year 2006 is the first calendar year for which contributions are required under this clause.

''(III) AMOUNT OF CONTRIBUTION FOR 2006.—Except as provided in subclause (IV), the amount described in paragraph (2)(C) for calendar year 2006 shall be calculated as if paragraph (2)(C) had been in effect during 2005.

''(IV) LIMITATION.—The contributions required under this clause for calendar year 2006 shall not exceed the amount necessary for solvency of the plan described in paragraph (2)(C), measured as of December 31, 2006 and taking into account all assets held by the plan as of that date.

''(iii) DIVISION.—The collective annual contribution obligation required under clause (ii) shall be divided among the persons subject to the obligation, and applied uniformly, based on the hours worked for which contributions referred to in clause (i) would be owed.

''(C) PHASE-IN OF TRANSFERS.—For each of calendar years 2008 through 2010, the transfers required under subparagraphs (B) and (C) of paragraph (2) shall equal the following amounts:

''(i) For calendar year 2008, the Secretary shall make transfers equal to 25 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

''(ii) For calendar year 2009, the Secretary shall make transfers equal to 50 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

''(iii) For calendar year 2010, the Secretary shall make transfers equal to 75 percent of the amounts that would otherwise be required under subparagraphs (B) and (C) of paragraph (2).

''(i) FUNDING.—

''(1) IN GENERAL.—Subject to paragraph (3), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the plans described in subsection (h)(2) such sums as are necessary to pay the following amounts:

''(A) To the Combined Fund (as defined in section 9701(a)(5) of the Internal Revenue Code of 1986 and referred to in this paragraph as the 'Combined Fund'), the amount that the trustees of the Combined Fund estimate will be expended from premium accounts maintained by the Combined Fund for the fiscal year to provide benefits for beneficiaries who are unassigned beneficiaries solely as a result of the application of section 9706(h)(1) of the Internal Revenue Code of 1986, subject to the following limitations:

''(i) For fiscal year 2008, the amount paid under this subparagraph shall equal—

''(I) the amount described in subparagraph (A); minus

''(II) the amounts required under section 9706(h)(3)(A) of the Internal Revenue Code of 1986.

''(ii) For fiscal year 2009, the amount paid under this subparagraph shall equal—

''(I) the amount described in subparagraph (A); minus

''(II) the amounts required under section 9706(h)(3)(B) of the Internal Revenue Code of 1986.

''(iii) For fiscal year 2010, the amount paid under this subparagraph shall equal—

''(I) the amount described in subparagraph (A); minus

''(II) the amounts required under section 9706(h)(3)(C) of the Internal Revenue Code of 1986.

''(B) On certification by the trustees of any plan described in subsection (h)(2) that the amount available for transfer by the Secretary pursuant to this section (determined after application of any limitation under subsection (h)(5)) is less than the amount required to be transferred, to the plan the amount necessary to meet the requirement of subsection (h)(2).

''(C) To the Combined Fund, $9,000,000 on October 1, 2007, $9,000,000 on October 1, 2008, and $9,000,000 on October 1, 2009 (which amounts shall not be exceeded) to provide a refund of any premium (as described in section 9704(a) of the Internal Revenue Code of 1986) paid on or before September 7, 2000, to the Combined Fund, plus interest on the premium calculated at the rate of 7.5 percent per year, on a proportional basis and to be paid not later than 60 days after the date on which each payment is received by the Combined Fund, to those signatory operators (to the extent that the Combined Fund has not previously returned the premium amounts to the operators), or any related persons to the operators (as defined in section 9701(c) of the Internal Revenue Code of 1986), or their heirs, successors, or assigns who have been denied the refunds as the result of final judgments or settlements if—

''(i) prior to the date of enactment of this paragraph, the signatory operator (or any related person to the operator)—

''(I) had all of its beneficiary assignments made under section 9706 of the Internal Revenue Code of 1986 voided by the Commissioner of the Social Security Administration; and

''(II) was subject to a final judgment or final settlement of litigation adverse to a claim by the operator that the assignment of beneficiaries under section 9706 of the Internal Revenue Code of 1986 was unconstitutional as applied to the operator; and

''(ii) on or before September 7, 2000, the signatory operator (or any related person to the operator) had paid to the Combined Fund any premium amount that had not been refunded.

''(2) PAYMENTS TO STATES AND INDIAN TRIBES.—Subject to paragraph (3), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall

transfer to the Secretary of the Interior for distribution to States and Indian tribes such sums as are necessary to pay amounts described in paragraphs (1)(A) and (2)(A) of section 411(h).

''(3) LIMITATIONS.—

''(A) CAP.—The total amount transferred under this subsection for any fiscal year shall not exceed $490,000,000.

''(B) INSUFFICIENT AMOUNTS.—In a case in which the amount required to be transferred without regard to this paragraph exceeds the maximum annual limitation in subparagraph (A), the Secretary shall adjust the transfers of funds so that—

''(i) each transfer for the fiscal year is a percentage of the amount described;

''(ii) the amount is determined without regard to subsection (h)(5)(A); and

''(iii) the percentage transferred is the same for all transfers made under this subsection for the fiscal year.

''(4) AVAILABILITY OF FUNDS.—Funds shall be transferred under paragraph (1) and (2) beginning in fiscal year 2008 and each fiscal year thereafter, and shall remain available until expended.''.

SEC. 313. OBJECTIVES OF FUND.

Section 403 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''(1) the protection'' and inserting the following:

''(1)(A) the protection;'';

(ii) in subparagraph (A) (as designated by clause (i)), by striking ''general welfare,''; and

(iii) by adding at the end the following:

''(B) the restoration of land and water resources and the environment that—

''(i) have been degraded by the adverse effects of coal mining practices; and

''(ii) are adjacent to a site that has been or will be remediated under subparagraph (A);'';

(B) in paragraph (2)—

(i) by striking ''(2) the protection'' and inserting the following:

''(2)(A) the protection'';

(ii) in subparagraph (A) (as designated by clause (i), by striking ''health, safety, and general welfare'' and inserting ''health and safety''; and

(iii) by adding at the end the following:

''(B) the restoration of land and water resources and the environment that—

''(i) have been degraded by the adverse effects of coal mining practices; and

''(ii) are adjacent to a site that has been or will be remediated under subparagraph (A); and'';

(C) in paragraph (3), by striking the semicolon at the end and inserting a period; and

(D) by striking paragraphs (4) and (5);

(2) in subsection (b)—

(A) by striking the subsection heading and inserting ''WATER SUPPLY RESTORATION.—''; and

(B) in paragraph (1), by striking ''up to 30 percent of the''; and

(3) in the second sentence of subsection (c), by inserting '', subject to the approval of the Secretary,'' after ''amendments''.

SEC. 314. RECLAMATION OF RURAL LAND.

(a) ADMINISTRATION.—Section 406(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1236(h)) is amended by striking ''Soil Conservation Service'' and inserting ''Natural Resources Conservation Service''.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CARRYING OUT RURAL LAND RECLAMATION.—Section 406 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1236) is amended by adding at the end the following:

''(i) There are authorized to be appropriated to the Secretary of Agriculture, from amounts in the Treasury other than amounts in the fund, such sums as may be necessary to carry out this section.''.

SEC. 315. LIENS.

Section 408(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1238) is amended in the last sentence by striking ''who owned the surface prior to May 2, 1977, and''.

SEC. 316. CERTIFICATION.

Section 411 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' before the first sentence; and

(B) by adding at the end the following:

''(2)(A) The Secretary may, on the initiative of the Secretary, make the certification referred to in paragraph (1) on behalf of any State or Indian tribe referred to in paragraph (1) if on the basis of the inventory referred to in section 403(c) all reclamation projects relating to the priorities described in section 403(a) for eligible land and water pursuant to section 404 in the State or tribe have been completed.

''(B) The Secretary shall only make the certification after notice in the Federal Register and opportunity for public comment.''; and

(2) by adding at the end the following:

''(h) PAYMENTS TO STATES AND INDIAN TRIBES.—

''(1) IN GENERAL.—

''(A) PAYMENTS.—

''(i) IN GENERAL.—Notwithstanding section 401(f)(3)(B), from funds referred to in section 402(i)(2), the Secretary shall make payments to States or Indian tribes for the amount due for the aggregate unappropriated amount allocated to the State or Indian tribe under subparagraph (A) or (B) of section 402(g)(1).

''(ii) CONVERSION AS EQUIVALENT PAYMENTS.—Amounts allocated under subparagraphs (A) or (B) of section 402(g)(1) shall be reallocated to the allocation established in section 402(g)(5) in amounts equivalent to payments made to States or Indian tribes under this paragraph.

''(B) AMOUNT DUE.—In this paragraph, the term 'amount due' means the unappropriated amount allocated to a State or Indian tribe before October 1, 2007, under subparagraph (A) or (B) of section 402(g)(1).

''(C) SCHEDULE.—Payments under subparagraph (A) shall be made in 7 equal annual installments, beginning with fiscal year 2008.

''(D) USE OF FUNDS.—

''(i) CERTIFIED STATES AND INDIAN TRIBES.—A State or Indian tribe that makes a certification under subsection (a) in which the Secretary concurs shall use any amounts provided under this paragraph for the purposes established by the State legislature or tribal council of the Indian tribe, with priority given for addressing the impacts of mineral development.

''(ii) UNCERTIFIED STATES AND INDIAN TRIBES.—A State or Indian tribe that has not made a certification under subsection (a) in which the Secretary has concurred shall use any amounts provided under this paragraph for the purposes described in section 403.

''(2) SUBSEQUENT STATE AND INDIAN TRIBE SHARE FOR CERTIFIED STATES AND INDIAN TRIBES.—

''(A) IN GENERAL.—Notwithstanding section 401(f)(3)(B), from funds referred to in section 402(i)(2), the Secretary shall pay to each certified State or Indian tribe an amount equal to the sum of the aggregate unappropriated amount allocated on or after October 1, 2007, to the certified State or Indian tribe under subparagraph (A) or (B) of section 402(g)(1).

''(B) CERTIFIED STATE OR INDIAN TRIBE DEFINED.—In this paragraph the term 'certified State or Indian tribe' means a State or Indian tribe for which a certification is made under subsection (a) in which the Secretary concurs.

''(3) MANNER OF PAYMENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), payments to States or Indian tribes under this subsection shall be made without regard to any limitation in section 401(d) and concurrently with payments to States under that section.

''(B) INITIAL PAYMENTS.—The first 3 payments made to any State or Indian tribe shall be reduced to 25 percent, 50 percent, and 75 percent, respectively, of the amounts otherwise required under paragraph (2)(A).

''(C) INSTALLMENTS.—Amounts withheld from the first 3 annual installments as provided under subparagraph (B) shall be paid in 2 equal annual installments beginning with fiscal year 2018.

''(4) REALLOCATION.—

''(A) IN GENERAL.—The amount allocated to any State or Indian tribe under subparagraph (A) or (B) of section 402(g)(1) that is paid to the State or Indian tribe as a result of a payment under paragraph (1) or (2) shall be reallocated and available for grants under section 402(g)(5).

''(B) ALLOCATION.—The grants shall be allocated based on the amount of coal historically produced before August 3, 1977, in the same manner as under section 402(g)(5).''.

SEC. 317. REMINING INCENTIVES.

Title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.) is amended by adding at the following:

''SEC. 415. REMINING INCENTIVES.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may, after opportunity for public comment, promulgate regulations that describe conditions under which amounts in the fund may be used to provide incentives to promote remining of eligible land under section 404 in a manner that leverages the use of amounts from the fund to achieve more reclamation with respect to the eligible land than would be achieved without the incentives.

''(b) REQUIREMENTS.—Any regulations promulgated under subsection (a) shall specify that the incentives shall apply only if the Secretary determines, with the concurrence of the State regulatory authority referred to in title V, that, without the incentives, the eligible land would not be likely to be remined and reclaimed.

''(c) INCENTIVES.—

''(1) IN GENERAL.—Incentives that may be considered for inclusion in the regulations promulgated under subsection (a) include, but are not limited to—

''(A) a rebate or waiver of the reclamation fees required under section 402(a); and

''(B) the use of amounts in the fund to provide financial assurance for remining operations in lieu of all or a portion of the performance bonds required under section 509.

''(2) LIMITATIONS.—

''(A) USE.—A rebate or waiver under paragraph (1)(A) shall be used only for operations that—

''(i) remove or reprocess abandoned coal mine waste; or

''(ii) conduct remining activities that meet the priorities specified in paragraph (1) or (2) of section 403(a).

''(B) AMOUNT.—The amount of a rebate or waiver provided as an incentive under paragraph (1)(A) to remine or reclaim eligible land shall not exceed the estimated cost of reclaiming the eligible land under this section.''.

SEC. 318. EXTENSION OF LIMITATION ON APPLICATION OF PROHIBITION ON ISSUANCE OF PERMIT.

Section 510(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1260(e)) is amended by striking the last sentence.

SEC. 319. TRIBAL REGULATION OF SURFACE COAL MINING AND RECLAMATION OPERATIONS.

(a) IN GENERAL.—Section 710 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1300) is amended by adding at the end the following:

''(j) TRIBAL REGULATORY AUTHORITY.—

''(1) TRIBAL REGULATORY PROGRAMS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, an Indian tribe may apply for, and obtain the approval of, a tribal program under section 503 regulating in whole or in part surface coal mining and reclamation operations on reservation land under the jurisdiction of the Indian tribe using the procedures of section 504(e).

''(B) REFERENCES TO STATE.—For purposes of this subsection and the implementation and administration of a tribal program under title V, any reference to a 'State' in this Act shall be considered to be a reference to a 'tribe'.

''(2) CONFLICTS OF INTEREST.—

''(A) IN GENERAL.—The fact that an individual is a member of an Indian tribe does not in itself constitute a violation of section 201(f).

''(B) EMPLOYEES OF TRIBAL REGULATORY AUTHORITY.—Any employee of a tribal regulatory authority shall not be eligible for a per capita distribution of any proceeds from coal mining operations conducted on Indian reservation lands under this Act.

''(3) SOVEREIGN IMMUNITY.—To receive primary regulatory authority under section 504(e), an Indian tribe shall waive sovereign immunity for purposes of section 520 and paragraph (4).

''(4) JUDICIAL REVIEW.—

''(A) CIVIL ACTIONS.—

''(i) IN GENERAL.—After exhausting all tribal remedies with respect to a civil action arising under a tribal program approved under section 504(e), an interested party may file a petition for judicial review of the civil action in the United States circuit court for the circuit in which the surface coal mining operation named in the petition is located.

''(ii) SCOPE OF REVIEW.—

''(I) QUESTIONS OF LAW.—The United States circuit court shall review de novo any questions of law under clause (i).

''(II) FINDINGS OF FACT.—The United States circuit court shall review findings of fact under clause (i) using a clearly erroneous standard.

''(B) CRIMINAL ACTIONS.—Any criminal action brought under section 518 with respect to surface coal mining or reclamation operations on Indian reservation lands shall be brought in—

''(i) the United States District Court for the District of Columbia; or

''(ii) the United States district court in which the criminal activity is alleged to have occurred.

''(5) GRANTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), grants for developing, administering, and enforcing tribal programs approved in accordance with section 504(e) shall be provided to an Indian tribe in accordance with section 705.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), the Federal share of the costs of developing, administering, and enforcing an approved tribal program shall be 100 percent.

''(6) REPORT.—Not later than 18 months after the date on which a tribal program is approved under subsection (e) of section 504, the Secretary shall submit to the appropriate committees of Congress a report, developed in cooperation with the applicable Indian tribe, on the tribal program that includes a recommendation of the Secretary on whether primary regulatory authority under that subsection should be expanded to include additional Indian lands.''.

(b) CONFORMING AMENDMENT.—Section 710(i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1300(i)) is amended in the first sentence by striking '', except'' and all that follows through ''section 503''.

Subtitle B—Coal Industry Retiree Health Benefit Act

SEC. 321. CERTAIN RELATED PERSONS AND SUCCESSORS IN INTEREST RELIEVED OF LIABILITY IF PREMIUMS PREPAID.

(a) COMBINED BENEFIT FUND.—

(1) IN GENERAL.—Section 9704 (relating to liability of assigned operators) is amended by adding at the end the following new subsection:

''(j) PREPAYMENT OF PREMIUM LIABILITY.—

''(1) IN GENERAL.—If—

''(A) a payment meeting the requirements of paragraph (3) is made to the Combined Fund by or on behalf of—

''(i) any assigned operator to which this subsection applies, or

''(ii) any related person to any assigned operator described in clause (i), and

''(B) the common parent of the controlled group of corporations described in paragraph (2)(B) is jointly and severally liable for any premium under this section which (but for this subsection) would be required to be paid by the assigned operator or related person,

then such common parent (and no other person) shall be liable for such premium.

''(2) ASSIGNED OPERATORS TO WHICH SUBSECTION APPLIES.—

''(A) IN GENERAL.—This subsection shall apply to any assigned operator if—

''(i) the assigned operator (or a related person to the assigned operator)—

''(I) made contributions to the 1950 UMWA Benefit Plan and the 1974 UMWA Benefit Plan for employment during the period covered by the 1988 agreement; and

''(II) is not a 1988 agreement operator,

''(ii) the assigned operator (and all related persons to the assigned operator) are not actively engaged in the production of coal as of July 1, 2005, and

''(iii) the assigned operator was, as of July 20, 1992, a member of a controlled group of corporations described in subparagraph (B).

''(B) CONTROLLED GROUP OF CORPORATIONS.—A controlled group of corporations is described in this subparagraph if the common parent of such group is a corporation the shares of which are publicly traded on a United States exchange.

''(C) COORDINATION WITH REPEAL OF ASSIGNMENTS.—A person shall not fail to be treated as an assigned operator to which this subsection applies solely because the person ceases to be an assigned operator by reason of section 9706(h)(1) if the person otherwise meets the requirements of this subsection and is liable for the payment of premiums under section 9706(h)(3).

''(D) CONTROLLED GROUP.—For purposes of this subsection, the term 'controlled group of corporations' has the meaning given such term by section 52(a).

''(3) REQUIREMENTS.—A payment meets the requirements of this paragraph if—

''(A) the amount of the payment is not less than the present value of the total premium liability under this chapter with respect to the Combined Fund of the assigned operators or related persons described in paragraph (1) or their assignees, as determined by the operator's or related person's enrolled actuary (as defined in section 7701(a)(35)) using actuarial methods and assumptions each of which is reasonable and which are reasonable in the aggregate, as determined by such enrolled actuary;

''(B) such enrolled actuary files with the Secretary of Labor a signed actuarial report containing—

''(i) the date of the actuarial valuation applicable to the report; and

''(ii) a statement by the enrolled actuary signing the report that, to the best of the actuary's knowledge, the report is complete and accurate and that in the actuary's opinion the actuarial assumptions used are in the aggregate reasonably related to the experience of the operator and to reasonable expectations; and

''(C) 90 calendar days have elapsed after the report required by subparagraph (B) is filed with the Secretary of Labor, and the Secretary of Labor has not notified the assigned operator in writing that the requirements of this paragraph have not been satisfied.

''(4) USE OF PREPAYMENT.—The Combined Fund shall—

''(A) establish and maintain an account for each assigned operator or related person by, or on whose behalf, a payment described in paragraph (3) was made,

''(B) credit such account with such payment (and any earnings thereon), and

''(C) use all amounts in such account exclusively to pay premiums that would (but for this subsection) be required to be paid by the assigned operator.

Upon termination of the obligations for the premium liability of any assigned operator or related person for which such account is maintained, all funds remaining in such account (and earnings thereon) shall be refunded to such person as may be designated by the common parent described in paragraph (1)(B).''.

(b) INDIVIDUAL EMPLOYER PLANS.—Section 9711(c) (relating to joint and several liability) is amended to read as follows:

''(c) JOINT AND SEVERAL LIABILITY OF RELATED PERSONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each related person of a last signatory operator to which subsection (a) or (b) applies shall be jointly and severally liable with the last signatory operator for the provision of health care coverage described in subsection (a) or (b).

''(2) LIABILITY LIMITED IF SECURITY PROVIDED.—If—

''(A) security meeting the requirements of paragraph (3) is provided by or on behalf of—

''(i) any last signatory operator which is an assigned operator described in section 9704(j)(2), or

''(ii) any related person to any last signatory operator described in clause (i), and

''(B) the common parent of the controlled group of corporations described in section 9704(j)(2)(B) is jointly and severally liable for the provision of health care under this section which, but for this paragraph, would be required to be provided by the last signatory operator or related person,

then, as of the date the security is provided, such common parent (and no other person) shall be liable for the provision of health care under this section which the last signatory operator or related person would otherwise be required to provide. Security may be provided under this paragraph without regard to whether a payment was made under section 9704(j).

''(3) SECURITY.—Security meets the requirements of this paragraph if—

''(A) the security—

''(i) is in the form of a bond, letter of credit, or cash escrow,

''(ii) is provided to the trustees of the 1992 UMWA Benefit Plan solely for the purpose of paying premiums for beneficiaries who would be described in section 9712(b)(2)(B) if the requirements of this section were not met by the last signatory operator, and

''(iii) is in an amount equal to 1 year of liability of the last signatory operator under this section, determined by using the average cost of such operator's liability during the prior 3 calendar years;

''(B) the security is in addition to any other security required under any other provision of this title; and

''(C) the security remains in place for 5 years.

''(4) REFUNDS OF SECURITY.—The remaining amount of any security provided under this subsection (and earnings thereon) shall be refunded to the last signatory operator as of the earlier of—

''(A) the termination of the obligations of the last signatory operator under this section, or

''(B) the end of the 5-year period described in paragraph (4)(C).''.

(c) 1992 UMWA BENEFIT PLAN.—Section 9712(d)(4) (relating to joint and several liability) is amended by adding at the end the following new sentence: ''The provisions of section 9711(c)(2) shall apply to any last signatory operator described in such section (without regard to whether security is provided under such section, a payment is made under section 9704(j), or both) and if security meeting the requirements of section 9711(c)(3) is provided, the common parent described in section 9711(c)(2)(B) shall be exclusively responsible for any liability for premiums under this section which, but for this sentence, would be required to be paid by the last signatory operator or any related person.''.

(d) SUCCESSOR IN INTEREST.—Section 9701(c) (relating to terms relating to operators) is amended by adding at the end the following new paragraph:

''(8) SUCCESSOR IN INTEREST.—

''(A) SAFE HARBOR.—The term 'successor in interest' shall not include any person who—

''(i) is an unrelated person to an eligible seller described in subparagraph (C); and

''(ii) purchases for fair market value assets, or all of the stock, of a related person to such seller, in a bona fide, arm's-length sale.

''(B) UNRELATED PERSON.—The term 'unrelated person' means a purchaser who does not bear a relationship to the eligible seller described in section 267(b).

''(C) ELIGIBLE SELLER.—For purposes of this paragraph, the term 'eligible seller' means an assigned operator described in section 9704(j)(2) or a related person to such assigned operator.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendment made by subsection (d) shall apply to transactions after the date of the enactment of this Act.

SEC. 322. TRANSFERS TO FUNDS; PREMIUM RELIEF.

(a) COMBINED FUND.—

(1) FEDERAL TRANSFERS.—Section 9705(b) (relating to transfers from Abandoned Mine Reclamation Fund) is amended—

(A) in paragraph (1), by striking ''section 402(h)'' and inserting ''subsections (h) and (i) of section 402'';

(B) by striking paragraph (2) and inserting the following new paragraph:

''(2) USE OF FUNDS.—Any amount transferred under paragraph (1) for any fiscal year shall be used to pay benefits and administrative costs of beneficiaries of the Combined Fund or for such other purposes as are specifically provided in the Acts described in paragraph (1).''; and

(C) by striking ''FROM ABANDONED MINE RECLAMATION FUND''.

(2) MODIFICATIONS OF PREMIUMS TO REFLECT FEDERAL TRANSFERS.—

(A) ELIMINATION OF UNASSIGNED BENEFICIARIES PREMIUM.—Section 9704(d) (establishing unassigned beneficiaries premium) is amended to read as follows:

''(d) UNASSIGNED BENEFICIARIES PREMIUM.—

''(1) PLAN YEARS ENDING ON OR BEFORE SEPTEMBER 30, 2006.—For plan years ending on or before September 30, 2006, the unassigned beneficiaries premium for any assigned operator shall be equal to the applicable percentage of the product of the per beneficiary premium for the plan year multiplied by the number of eligible beneficiaries who are not assigned under section 9706 to any person for such plan year.

''(2) PLAN YEARS BEGINNING ON OR AFTER OCTOBER 1, 2006.—

''(A) IN GENERAL.—For plan years beginning on or after October 1, 2006, subject to subparagraph (B), there shall be no unassigned beneficiaries premium, and benefit costs with respect to eligible beneficiaries who are not assigned under section 9706 to any person for any such plan year shall be paid from amounts transferred under section 9705(b).

''(B) INADEQUATE TRANSFERS.—If, for any plan year beginning on or after October 1, 2006, the amounts transferred under section 9705(b) are less than the amounts required to be transferred to the Combined Fund under subsection (h)(2)(A) or (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232)), then the unassigned beneficiaries premium for any assigned operator shall be equal to the operator's applicable percentage of the amount required to be so transferred which was not so transferred.''.

(B) PREMIUM ACCOUNTS.—

(i) CREDITING OF ACCOUNTS.—Section 9704(e)(1) (relating to premium accounts; adjustments) is amended by inserting ''and amounts transferred under section 9705(b)'' after ''premiums received''.

(ii) SURPLUSES ATTRIBUTABLE TO PUBLIC FUNDING.—Section 9704(e)(3)(A) is amended by adding at the end the following new sentence: ''Amounts credited to an account from amounts transferred under section 9705(b) shall not be taken into account in determining whether there is a surplus in the account for purposes of this paragraph.''

(C) APPLICABLE PERCENTAGE.—Section 9704(f)(2) (relating to annual adjustments) is amended by adding at the end the following new subparagraph:

''(C) In the case of plan years beginning on or after October 1, 2007, the total number of assigned eligible beneficiaries shall be reduced by the eligible beneficiaries whose assignments have been revoked under section 9706(h).''.

(3) ASSIGNMENTS AND REASSIGNMENT.—Section 9706 (relating to assignment of eligible beneficiaries) is amended by adding at the end the following:

''(h) ASSIGNMENTS AS OF OCTOBER 1, 2007.—

''(1) IN GENERAL.—Subject to the premium obligation set forth in paragraph (3), the Commissioner of Social Security shall—

''(A) revoke all assignments to persons other than 1988 agreement operators for purposes of assessing premiums for plan years beginning on and after October 1, 2007; and

''(B) make no further assignments to persons other than 1988 agreement operators, except that no individual who becomes an unassigned beneficiary by reason of subparagraph (A) may be assigned to a 1988 agreement operator.

''(2) REASSIGNMENT UPON PURCHASE.—This subsection shall not be construed to prohibit the reassignment under subsection (b)(2) of an eligible beneficiary.

''(3) LIABILITY OF PERSONS DURING THREE FISCAL YEARS BEGINNING ON AND AFTER OCTOBER 1, 2007.—In the case of each of the fiscal years beginning on October 1, 2007, 2008, and 2009, each person other than a 1988 agreement operator shall pay to the Combined Fund the following percentage of the amount of annual premiums that such person would otherwise be required to pay under section 9704(a), determined on the basis of assignments in effect without regard to the revocation of assignments under paragraph (1)(A):

''(A) For the fiscal year beginning on October 1, 2007, 55 percent.

''(B) For the fiscal year beginning on October 1, 2008, 40 percent.

''(C) For the fiscal year beginning on October 1, 2009, 15 percent.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years of the Combined Fund beginning after September 30, 2006.

(b) 1992 UMWA BENEFIT AND OTHER PLANS.—

(1) TRANSFERS TO PLANS.—Section 9712(a) (relating to the establishment and coverage of the 1992 UMWA Benefit Plan) is amended by adding at the end the following:

''(3) TRANSFERS UNDER OTHER FEDERAL STATUTES.—

''(A) IN GENERAL.—The 1992 UMWA Benefit Plan shall include any amount transferred to the plan under subsections (h) and (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232).

''(B) USE OF FUNDS.—Any amount transferred under subparagraph (A) for any fiscal year shall be used to provide the health benefits described in subsection (c) with respect to any beneficiary for whom no monthly per beneficiary premium is paid pursuant to paragraph (1)(A) or (3) of subsection (d).

''(4) SPECIAL RULE FOR 1993 PLAN.—

''(A) IN GENERAL.—The plan described in section 402(h)(2)(C) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)) shall include any amount transferred to the plan under subsections (h) and (i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232).

''(B) USE OF FUNDS.—Any amount transferred under subparagraph (A) for any fiscal year shall be used to provide the health benefits described in section 402(h)(2)(C)(i) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)(i)) to individuals described in section 402(h)(2)(C) of such Act (30 U.S.C. 1232(h)(2)(C)).''.

(2) PREMIUM ADJUSTMENTS.—

(A) IN GENERAL.—Section 9712(d)(1) (relating to guarantee of benefits) is amended to read as follows:

''(1) IN GENERAL.—All 1988 last signatory operators shall be responsible for financing the benefits described in subsection (c) by meeting the following requirements in accordance with the contribution requirements established in the 1992 UMWA Benefit Plan:

''(A) The payment of a monthly per beneficiary premium by each 1988 last signatory operator for each eligible beneficiary of such operator who is described in subsection (b)(2) and who is receiving benefits under the 1992 UMWA benefit plan.

''(B) The provision of a security (in the form of a bond, letter of credit, or cash escrow) in an amount equal to a portion of the projected future cost to the 1992 UMWA Benefit Plan of providing health benefits for eligible and potentially eligible beneficiaries attributable to the 1988 last signatory operator.

''(C) If the amounts transferred under subsection (a)(3) are less than the amounts required to be transferred to the 1992 UMWA Benefit Plan under subsections (h) and (i) of section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232), the payment of an additional backstop premium by each 1988 last signatory operator which is equal to such operator's share of the amounts required to be so transferred but which were not so transferred, determined on the basis of the number of eligible and potentially eligible beneficiaries attributable to the operator.''.

(B) CONFORMING AMENDMENTS.—Section 9712(d) is amended—

(i) in paragraph (2)(B), by striking ''prefunding'' and inserting ''backstop'', and

(ii) in paragraph (3), by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)(A)''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to fiscal years beginning on or after October 1, 2010.

SEC. 323. OTHER PROVISIONS.

(a) BOARD OF TRUSTEES.—Section 9702(b) (relating to board of trustees of the Combined Fund) is amended to read as follows:

''(b) BOARD OF TRUSTEES.—

''(1) IN GENERAL.—For purposes of subsection (a), the board of trustees for the Combined Fund shall be appointed as follows:

''(A) 2 individuals who represent employers in the coal mining industry shall be designated by the BCOA;

''(B) 2 individuals designated by the United Mine Workers of America; and

''(C) 3 individuals selected by the individuals appointed under subparagraphs (A) and (B).

''(2) SUCCESSOR TRUSTEES.—Any successor trustee shall be appointed in the same manner as the trustee being succeeded. The plan establishing the Combined Fund shall provide for the removal of trustees.

''(3) SPECIAL RULE.—If the BCOA ceases to exist, any trustee or successor under paragraph (1)(A) shall be designated by the 3 employers who were members of the BCOA on the enactment date and who have been assigned the greatest number of eligible beneficiaries under section 9706.''.

(b) ENFORCEMENT OF OBLIGATIONS.—

(1) FAILURE TO PAY PREMIUMS.—Section 9707(a) is amended to read as follows:

''(a) FAILURES TO PAY.—

''(1) PREMIUMS FOR ELIGIBLE BENEFICIARIES.—There is hereby imposed a penalty on the failure of any assigned operator to pay any premium required to be paid under section 9704 with respect to any eligible beneficiary.

''(2) CONTRIBUTIONS REQUIRED UNDER THE MINING LAWS.—There is hereby imposed a penalty on the failure of any person to make a contribution required under section 402(h)(5)(B)(ii) of the Surface Mining Control and Reclamation Act of 1977 to a plan referred to in section 402(h)(2)(C) of such Act. For purposes of applying this section, each such required monthly contribution for the hours worked of any individual shall be treated as if it were a premium required to be paid under section 9704 with respect to an eligible beneficiary.''.

(2) CIVIL ENFORCEMENT.—Section 9721 is amended to read as follows:

''SEC. 9721. CIVIL ENFORCEMENT.

''The provisions of section 4301 of the Employee Retirement Income Security Act of 1974 shall apply, in the same manner as any claim arising out of an obligation to pay withdrawal liability under subtitle E of title IV of such Act, to any claim—

''(1) arising out of an obligation to pay any amount required to be paid by this chapter; or

''(2) arising out of an obligation to pay any amount required by section 402(h)(5)(B)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(5)(B)(ii)).''.

SA 5004. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4096, to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation; which was ordered to lie on the table; as follows:

Amend the title so as to read: ''To amend the Internal Revenue Code of 1986 to extend for 2 years certain expiring provisions, and for other purposes.''.

SA 5005. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DECLASSIFICATION OF CERTAIN TEXT OF REPORT ON INTELLIGENCE CONCERNING IRAQ WEAPONS OF MASS DESTRUCTION PROGRAMS.

Any classified text (other than text revealing intelligence sources and methods) contained on pages 96, 97, and 98 of the report of the Select Committee on Intelligence of the Senate entitled ''Report of the Select Committee on Intelligence on Post-War Findings About Iraq's WMD Programs and Links to Terrorism and How They Compare with Pre-War Assessments'', and issued on September 8, 2006, is hereby declassified and, effective as of the date of the enactment of this Act, may be released to the public.

SA 5006. Mr. STEVENS (for Mr. MCCAIN (for himself and Mr. KYL)) proposed an amendment to the bill S. 2464, to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes; as follows:

On page 3, strike lines 7 through 9 and insert the following:

achieve the full and final implementation of the Fort McDowell Water

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NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 21, 2006, at 10 a.m. in room SD–628 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of: Mary Amelia Bomar, of Pennsylvania, to be Director of the National Park Service, vice Frances P. Mainella, resigned.

For further information, please contact Judy Pensabene or Kara Gleason of the Committee staff at: (202) 224–5305.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 13, 2006, at 10 a.m., to conduct a hearing on ''The Housing Bubble and its Implications for the Economy.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, September 13 at 11:30 a.m.

The purpose of this meeting is to consider the nominations of John Ray Correll to be director of the Office of Surface Mining Reclamation and Enforcement, Mark Myers to be director of the United States Geological Survey, and David Longly Bernhardt to be solicitor of the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. COLLINS. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a Business Meeting on Wednesday, September 13, 2006, at 9:30 a.m. to consider the following agenda:

Legislation: H.R. 5689, To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; S.1848, Cleanup of Inactive and Abandoned Mines Act; S. 3630, To amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes; H.R. 3929, Dana Point Desalination Project Authorization Act; S. 3617, North American Wetlands Conservation Reauthoriiation Act of 2006; H.R. 5061, Paint Bank and Wytheville National Fish Hatcheries Conveyance Act; S. 3551, Tylersville Fish Hatchery Conveyance Act; S. 3867, To Designate the Federal Courthouse at 555 Independence Street, Cape Girardeau, Missouri, as the ''Rush H. Limbaugh Sr., Federal Courthouse''; H.R. 5187, To Amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007; S. 3879 ''Convention on Supplementary Compensation for Nuclear Damage Contingent Cost Allocation Act''; S. 2348, Nuclear Release Notice Act of 2006; and S. 3591, High-Performance Green Buildings Act of 2006.

Nominees: William B. Wark to be a Member of the Chemical Safety and Hazard Investigation Board; William E.

Wright to be a Member of the Chemical Safety and Hazard Investigation Board; Stephen M. Prescott to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation; Anne Jeannette Udall to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation; Brigadier General Bruce Arlan Berwick to be a Member of the Mississippi River Commission; Colonel Gregg F. Martin to be a Member of the Mississippi River Commission; Brigadier General Robert Crear to be a Member of the Mississippi River Commission; and Rear Admiral Samuel P. DeBow, Jr. to be a Member of the Mississippi River Commission.

Resolutions: Committee Resolution for the Republican River Basin—Colorado, Nebraska, Kansas; Committee Resolution for Beverly Hills, New Haven, Connecticut; Committee Resolution for Hanover Pond; Holly Pond; and Eisenhower Park—Connecticut; Committee Resolution for Mystic Harbor Water Resources Development—Mystic, Connecticut; Committee Resolution for the Burns Waterway Harbor—Indiana; Committee Resolution for Jefferson Parish Flood Control, Jefferson Parish, Louisiana; Committee Resolution for the Blackstone River Watershed—Massachusetts, Rhode Island; Committee Resolution for the St. Clair River, Lake Level Study—Michigan; Committee Resolution for the Crow Creek Watershed—Cheyenne, Wyoming; Committee Resolution to direct GSA to prepare a Report of Building Project Survey; 12 resolutions to authorize the majority of the remainder of the General Services Administration's FY 2007 Capital Investment and Leasing Program; and 8 resolutions authorizing courthouse projects.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. COLLINS. Mr. President: I ask unanimous consent that on Wednesday, September 13, immediately following the 9:30 a.m. Business Meeting the Committee on Environment and Public Works be authorized to hold a hearing to consider the following pending nominations:

Roger Romulus Martella, Jr., to be Assistant Administrator of the Environmental Protection Agency;

Alex A. Beehler to be Assistant Administrator of the Environmental Protection Agency; and

William H. Graves to be a Member of the Board of Directors of the Tennessee Valley Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, September 13, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Taking the Pulse of Charitable Care and Community Benefits at Nonprofit Hospitals.''

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 13, 2006, at 9:30 a.m. to hold a hearing on Lebanon.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, September 13, 2006, at 2:30 p.m. to consider the nominations of Wayne C. Beyer to be Member, Federal Labor Relations Authority, and Stephen T. Conboy to be U.S. Marshal, Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, September 13, 2006, at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

Agenda

I. Bills: S. 2453, National Security Surveillance Act of 2006, Specter; S. 2455, Terrorist Surveillance Act of 2006, DeWine, Graham; S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer; S. 3001, Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006, Specter, Feinstein.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 13, 2006 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Ms. COLLINS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Wednesday, September 13, 2006 from 10 a.m.–11:30 a.m. in Dirksen 562 for the purpose of conducting meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Crime and Drugs be authorized to meet to conduct a hearing on ''Challenges Facing Today's Federal Prosecutors,'' on Wednesday, September 13, 2006, at 2:30 p.m. in SD226.

Witness list

Panel I: Mike Battle, Director, Executive Office of U.S. Attorneys, United States Department of Justice, Washington, DC; Susan Brooks, U.S. Attorney, Southern District of Indiana, United States Department of Justice, Washington, DC.

Panel II: William Shockley, Former President, National Association of Assistant U.S. Attorneys, Lake Ridge, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTIONS TO THE ENROLLMENT OF S. 2590

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 114, which was submitted earlier today, 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 concurrent resolution (S. Con. Res. 114) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 114

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill S. 2590, the Secretary of the Senate shall make the following corrections:

(1) In section 2(a), strike paragraphs (2) and (3) and insert the following:

''(2) FEDERAL AWARD.—The term 'Federal award'—

''(A) means Federal financial assistance and expenditures that—

''(i) include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

''(ii) include contracts, subcontracts, purchase orders, task orders, and delivery orders;

''(B) does not include individual transactions below $25,000; and

''(C) before October 1, 2008, does not include credit card transactions.

''(3) SEARCHABLE WEBSITE.—The term 'searchable website' means a website that allows the public to—

''(A) search and aggregate Federal funding by any element required by subsection (b)(1);

''(B) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(i), by fiscal year;

''(C) ascertain through a single search the total amount of Federal funding awarded to an entity by a Federal award described in paragraph (2)(A)(ii), by fiscal year; and

''(D) download data included in subparagraph (A) included in the outcome from searches.''.

(2) In section 2(b)(1), strike ''section and section 204 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note),'' and insert ''section, section 204 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note), and the Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.),''.

(3) In section 2, strike subsection (c) and insert the following:

''(c) WEBSITE.—The website established under this section—

''(1) may use as the source of its data the Federal Procurement Data System, Federal Assistance Award Data System, and Grants.gov, if all of these data sources are searchable through the website and can be accessed in a search on the website required by this Act, provided that the user may—

''(A) specify such search shall be confined to Federal contracts and subcontracts;

''(B) specify such search shall be confined to include grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance;

''(2) shall not be considered in compliance if it hyperlinks to the Federal Procurement Data System website, Federal Assistance Award Data System website, Grants.gov website, or other existing websites, so that the information elements required by subsection (b)(1) cannot be searched electronically by field in a single search;

''(3) shall provide an opportunity for the public to provide input about the utility of the site and recommendations for improvements;

''(4) shall be updated not later than 30 days after the award of any Federal award requiring a posting; and

''(5) shall provide for separate searches for Federal awards described in subsection (a) to distinguish between the Federal awards described in subsection (a)(2)(A)(i) and those described in subsection (a)(2)(A)(ii).''.

(4) Add at the end the following:

''SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE REPORTING REQUIREMENT.

''Not later than January 1, 2010, the Comptroller General shall submit to Congress a report on compliance with this Act.''.

Ms. COLLINS. Mr. President, I understand that this is directly related to the fiscal transparency, Google For Good Government, bill of the Senator from Oklahoma. I hope this will clear the way for its passage.

FORT McDOWELL INDIAN COMMUNITY WATER RIGHTS SETTLEMENT REVISION ACT OF 2006

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 522, S. 2464.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2464) to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, I am pleased that today the Senate has agreed to pass S. 2464, the Fort McDowell Indian Community Water Rights Settlement Revision Act of 2006, with an amendment that I have also offered. S. 2464 amends the Fort McDowell Indian Community Water Rights Settlement Act of 1990, which ratified a negotiated settlement of the Fort McDowell Yavapai Nation's water entitlement to flow from the Verde River. I am pleased to be joined by Senator KYL as an original cosponsor of this bill and the amendment.

The 1990 Settlement Act provided, among other things, for the Secretary of the Interior to provide the Fort McDowell Yavapai Nation a no-interest loan pursuant to the Small Reclamation Project Act for construction of facilities for the conveyance and delivery of water to the Fort McDowell reservation. However, during environmental review conducted prior to construction of the irrigation system, 227 of the acres to be irrigated were discovered to contain significant cultural sites. With the agreement of the tribe, the Secretary withdrew those acres from development, but replacement lands have proven difficult and expensive to mitigate and implementation of the Act has been left uncompleted.

The current values of the no-interest loan outstanding and the current cost of the Department of the Interior's obligation to mitigate replacement acreage are nearly identical, thus the tribe and the Department have agreed to resolve this issue by mutually releasing their remaining obligations under the reclamation provisions of the 1990 Settlement Act. S. 2464 would implement this mutually agreed upon resolution.

After approval of this measure by the Indian Affairs Committee, a potential ambiguity in the bill was identified, possibly calling into question the finality of the 1990 Settlement Act. The amendment offered strikes the potentially ambiguous language and inserts new language to clarify that the agreement of the Yavapai Nation and the Department of the Interior contained in S. 2464 achieves a full and final implementation to the Fort McDowell Water Rights Settlement Act of 1990.

I yield the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5006) was agreed to, as follows:

(Purpose: To make a technical correction)

On page 3, strike lines 7 through 9 and insert the following:

achieve the full and final implementation of the Fort McDowell Water

The bill (S. 2464), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fort McDowell Indian Community Water Rights Settlement Revision Act of 2006''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FORT MCDOWELL WATER RIGHTS SETTLEMENT ACT.—The term ''Fort McDowell Water Rights Settlement Act'' means the Fort McDowell Indian Community Water Rights Settlement Act of 1990 (Public Law 101–628; 104 Stat. 4480).

(2) NATION.—The term ''Nation'' means the Fort McDowell Yavapai Nation, formerly known as the ''Fort McDowell Indian Community''.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. CANCELLATION OF REPAYMENT OBLIGATION.

(a) CANCELLATION OF OBLIGATION.—The obligation of the Nation to repay the loan made under section 408(e) of the Fort McDowell Water Rights Settlement Act (104 Stat. 4489) is cancelled.

(b) EFFECT OF ACT.—

(1) RIGHTS OF NATION UNDER FORT MCDOWELL WATER RIGHTS SETTLEMENT ACT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this Act alters or affects any right of the Nation under the Fort McDowell Water Rights Settlement Act.

(B) EXCEPTION.—The cancellation of the repayment obligation under subsection (a) shall be considered—

(i) to fulfill all conditions required to achieve the full and final implementation of the Fort McDowell Water Rights Settlement Act; and

(ii) to relieve the Secretary of any responsibility or obligation to obtain mitigation property or develop additional farm acreage under section 410 the Fort McDowell Water Rights Settlement Act (104 Stat. 4490).

(2) ELIGIBILITY FOR SERVICES AND BENEFITS.—Nothing in this Act alters or affects the eligibility of the Nation or any member of the Nation for any service or benefit provided by the Federal Government to federally recognized Indian tribes or members of such Indian tribes.

CHILDREN AND MEDIA RESEARCH ADVANCEMENT ACT

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 585, S. 1902.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1902) to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported by the Committee on Health, Education, Labor, and Pensions with an amendment to strike out all after the enacting clause and insert in lieu thereof the part printed in italic.

[''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

[''(1) $10,000,000 for fiscal year 2006;

[''(2) $15,000,000 for fiscal year 2007;

[''(3) $15,000,000 for fiscal year 2008;

[''(4) $25,000,000 for fiscal year 2009; and

[''(5) $25,000,000 for fiscal year 2010.''.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Children and Media Research Advancement Act'' or the ''CAMRA Act''.

SEC. 2. PURPOSE.

It is the purpose of this Act to enable the Centers for Disease Control and Prevention to—

(1) examine the role and positive and negative impact of electronic media in children's and adolescents' cognitive, social, emotional, physical, and behavioral development; and

(2) provide for a report to Congress containing the empirical evidence and other results produced by the research funded through grants under this Act.

SEC. 3. RESEARCH ON THE ROLE AND IMPACT OF ELECTRONIC MEDIA IN THE DEVELOPMENT OF CHILDREN AND ADOLESCENTS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended—

(1) by redesignating the second section 399O (relating to grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking) as section 399P; and

(2) by adding at the end the following:

"SEC. 399Q. RESEARCH ON THE ROLE AND IMPACT OF ELECTRONIC MEDIA IN THE DEVELOPMENT OF CHILDREN AND ADOLESCENTS.

''(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Director of the Centers for Disease Control and Prevention (referred to in this section as the 'Director'), shall enter into a contract with the National Academy of Science or another appropriate entity to review, synthesize, and report on research, and establish research priorities, regarding the roles and impact of electronic media (including television, motion pictures, DVD's, interactive video games, digital music, the Internet, and cell phones) and exposures to such media on youth in the following core areas of development:

''(1) COGNITIVE.—Cognitive areas such as language development, attention span, problem solving skills (such as the ability to conduct multiple tasks or 'multitask'), visual and spatial skills, reading, and other learning abilities.

''(2) PHYSICAL.—Physical areas such as physical coordination, diet, exercise, sleeping and eating routines.

''(3) SOCIO-BEHAVIORAL.—Socio-behavioral areas such as family activities and peer relationships including indoor and outdoor play time, interactions with parents, consumption habits, social relationships, aggression, and positive social behavior.

''(b) RESEARCH PROGRAM.—

''(1) IN GENERAL.—Taking into account the report provided for under subsection (a), the Secretary, acting through the Director and in coordination with the Director of the National Institutes of Health, shall, subject to the availability of appropriations, award grants for research concerning the role and impact of electronic media on the cognitive, physical, and socio-behavioral development of youth.

''(2) REQUIREMENTS.—The research provided for under paragraph (1) shall comply with the following requirements:

''(A) Such research shall focus on the impact of factors such as media content (whether direct or indirect), format, length of exposure, age of youth, venue, and nature of parental involvement.

''(B) Such research shall not duplicate other Federal research activities.

''(C) For purposes of such research, electronic media shall include television, motion pictures, DVD's, interactive video games, digital music, the Internet, and cell phones.

''(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall—

''(A) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director shall require; and

''(B) agree to use amounts received under the grant to carry out activities as described in this subsection.

''(c) REPORTS.—

''(1) REPORT TO THE DIRECTOR.—Not later than 15 months after the date of the enactment of this section, the report provided for under subsection (a) shall be submitted to the Director and to the appropriate committees of Congress.

''(2) REPORT TO CONGRESS.—Not later than December 31, 2012, the Secretary, acting through the Director, shall prepare and submit to the appropriate committees of Congress a report that—

''(A) synthesizes the results of—

''(i) research carried out under the grant program under subsection (b); and

''(ii) other related research, including research conducted by the private or public sector and other Federal entities; and

''(B) outlines existing research gaps in light of the information described in subparagraph (A).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007 through 2012.''.

Mr. STEVENS. Mr. President, I ask unanimous consent the committee-reported substitute be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1902), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

DEATH ON THE HIGH SEAS ACT

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 594, H.R. 1442.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1442) to complete the codification of title 46, United States Code, ''Shipping'', as positive law.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1442) was read the third time and passed.

DESIGNATING OCTOBER 22 THROUGH OCTOBER 28, 2006, AS ''NATIONAL SAVE FOR RETIREMENT WEEK''

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 550 and the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 550) designating October 22 through October 28, 2006, as ''National Save for Retirement Week''.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 550) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 550

Whereas the cost of retirement continues to rise, in part, because people in the United States are living longer than ever before, the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses are currently saving for retirement and that the actual amount of retirement savings of workers lags far behind the amount that is realistically needed to adequately fund retirement;

Whereas many employees have available to them through their employers access to defined benefit or defined contribution plans to assist them in preparing for retirement;

Whereas many employees may not be aware of their retirement savings options and may not have focused on the importance of and need for saving for their own retirement;

Whereas many employees may not be taking advantage of workplace defined contribution plans at all or to the full extent allowed by the plans or under Federal law; and

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to save for retirement and the availability of tax-advantaged retirement savings vehicles to assist them in saving for retirement: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 22 through October 28, 2006, as ''National Save for Retirement Week'';

(2) supports the goals and ideals of National Save for Retirement Week, including raising public awareness about the importance of adequate retirement savings and the availability of employer-sponsored retirement plans; and

(3) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the week with appropriate programs and activities with the goal of increasing the retirement savings of all the people of the United States.

CALLING ON THE PRESIDENT TO TAKE IMMEDIATE STEPS TO HELP STOP THE VIOLENCE IN DARFUR

Mr. STEVENS. I ask unanimous consent that the Foreign Relations Committee be discharged from the consideration of S. Res. 559 and the Senate

proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 559) calling on the President to take immediate steps to help stop the violence in Darfur.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 559) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 559

Whereas the Darfur Peace Agreement, signed on May 5, 2006, between the Government of Sudan and rebels in Darfur has not resulted in a cessation of hostilities in Darfur;

Whereas, although the United Nations Security Council approved Security Council Resolution 1706 (2006), which provides for a United Nations peacekeeping presence in Darfur to replace the African Union Mission in Sudan (AMIS), the Government of Sudan has rejected the deployment of United Nations peacekeepers;

Whereas the Government of Sudan is engaged in a major offensive in Darfur, in direct violation of the Darfur Peace Agreement;

Whereas violence in the Darfur region has increased since the signing of the Darfur Peace Agreement;

Whereas Jan Egeland, the United Nations Under-Secretary-General for Humanitarian Affairs, has stated that the coming weeks may result in a ''man-made catastrophe of an unprecedented scale'' in Darfur;

Whereas the African Union has decided to terminate the African Union Mission in Sudan (AMIS) at the end of September 2006;

Whereas it is unlikely that the United Nations will have the logistical means or capability to deploy peacekeepers to Sudan until the end of 2006;

Whereas the people of Darfur cannot wait that long for security to be re-established; and

Whereas the international community must renew its efforts to stop genocide, war crimes, and crimes against humanity in Darfur:

Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns—

(A) the current military offensive of the Government of Sudan in Darfur in violation of the terms of the May 5, 2006, Darfur Peace Agreement and the April 8, 2004, N'Djamena cease-fire accord; and

(B) the rejection by the Government of Sudan of United Nations Security Council Resolution 1706 (2006);

(2) commends the African Union Mission in Sudan (AMIS) for its actions to date in monitoring the April 8, 2004, N'Djamena cease-fire agreement in Darfur and encourages the African Union to leave the AMIS force in place until a United Nations peacekeeping mission is deployed to Darfur;

(3) calls upon the Government of Sudan to immediately—

(A) cease its military offensive in Darfur; and

(B) comply with the deployment of United Nations peacekeepers to Darfur as called for by the United Nations Security Council;

(4) calls upon the United Nations—

(A) to deploy as quickly as practicable peacekeeping troops as authorized by United Nations Security Council Resolution 1706 (2006) that are well trained and equipped; and

(B) to begin considerations of sanctions as called for by paragraphs 6 and 7 of United Nations Security Council Resolution 1556 (2004) and paragraph 14 of United Nations Security Council Resolution 1564 (2004);

(5) urges the President to take urgent steps to help improve the security situation in Darfur, including by—

(A) pursuing the imposition of a ''no-fly zone'' in Darfur in cooperation with the United Nations, NATO, or NATO allies;

(B) garnering support for NATO assistance with the handover by the African Union of the AMIS mission to the United Nations;

(C) working through diplomatic channels to obtain the support of China, Russia, and United States allies in the Arab League in securing the compliance of the Government of Sudan with the deployment of United Nations peacekeepers as provided by United Nations Security Council Resolution 1706 (2006);

(D) supporting full funding for the United Nations Peacekeeping Mission in Sudan;

(E) securing the necessary support from United Nations member states to schedule a special session on Sudan in the United Nations Human Rights Council; and

(F) appointing a Special Envoy to Sudan to head the Office of the Presidential Special Envoy established pursuant to chapter 6 of title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 439); and

(6) urges the international community—

(A) to support the deployment of United Nations peacekeepers to Darfur financially, with logistical and equipment support, or through troop contributions;

(B) to fulfill financial obligations to United Nations and international humanitarian aid agencies for responding to the crisis in Darfur or addressing humanitarian needs throughout Sudan;

(C) to impose targeted sanctions against members of the National Congress Party determined to be responsible for human rights violations, war crimes, and crimes against humanity; and

(D) to impose sanctions consistent with paragraphs 6 and 7 of United Nations Security Council Resolution 1556 (2004) and paragraph 14 of United Nations Security Council Resolution 1564 (2004).

HONORING THE LIFE OF THOSE WHO DIED IN SERVICE TO THEIR COUNTRY ABOARD THE U.S.S. ENTERPRISE ON JANUARY 14, 1969

Mr. STEVENS. I ask unanimous consent to now proceed to consideration of S. Res. 569, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 569) honoring the life of those who died in service to their country aboard the U.S.S. *Enterprise* on January 14, 1969.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 569) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 569

Whereas, on the morning of January 14, 1969, an MK–32 Zuni rocket fixed to an F–4 Phantom on the U.S.S. Enterprise (CVN–65) was overheated due to the exhaust of a nearby aircraft causing the rocket to explode;

Whereas the initial explosion of the MK–32 Zuni rocket set off a chain reaction of explosions, thus causing the death of 28 sailors and injuries to 314 more;

Whereas the servicemen killed include FA Paul Akers, AN David M. Asbury, LTJG Carl D. Berghult, LTJG James H. Berry, AO3 Richard W. Bovaird, AE3 Patrick L. Bulingham, AMS3 James R. Floyd Jr., AN Ernest L. Foster, ABHAN Delbert D. Girty, AEC Ronald E. Hay, ASH3 Roger L. Halbrook, AN Dole L. Hunt, ALAN Donald R. Lacy, ADJ3 Armando Limon, AME3 Dennis E. Marks, ABH1 James Martineau, ALAN Joseph C. Mason, AN Dennis R. Milburn, AN Joseph W. Oates, LTJG Buddy D. Pyeatt, ABE3 Jacob J. Quintis, BM2 James C. Snipes, AN Russell J. Tyler, AN Lavern R. Von Feldt, AN Robert C. Ward Jr., AN John R. Webster, ASM2 Henry S. Yates Jr., and AMS3 Jerome D. Yoakum;

Whereas the U.S.S. Enterprise, also known as ''the Big E'', was the world's first nuclear-powered aircraft carrier, and changed forever the face of maritime warfare;

Whereas the U.S.S. Enterprise, commissioned on November 25, 1961, is the world's longest aircraft carrier, measuring 1,123 feet, and remains in service docked at its home in Norfolk, Virginia; and

Whereas those who perished aboard the U.S.S. Enterprise on January 14, 1969, served their country bravely: Now, therefore, be it

Resolved, That the Senate honors the life and legacy of those who bravely served aboard the U.S.S. Enterprise (CVN–65), especially those who gave their lives in service to the United States on January 14, 1969.

ORDER FOR STAR PRINT—S. 3861

Mr. STEVENS. Mr. President, I ask unanimous consent S. 3861 be star printed, and the changes are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar No. 376, Calendar No. 887, Calendar No. 888, Calendar No. 889, Calendar No. 891, and Calendar No. 894. I further ask unanimous consent that the nominations be confirmed en bloc and the motion to reconsider be laid upon the table, that the President be immediately notified

of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Bertha K. Madras, of Massachusetts, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy.

DEPARTMENT OF JUSTICE

George E.B. Holding, of North Carolina, to be United States Attorney for the Eastern District of North Carolina for the term of four years.

PEACE CORPS

Ronald A. Tschetter, of Minnesota, to be Director of the Peace Corps.

DEPARTMENT OF STATE

John C. Rood, of Arizona, to be an Assistant Secretary of State (International Security and Non-Proliferation).

Cesar Benito Cabrera, of Puerto Rico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

Mary Martin Ourisman, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR THURSDAY, SEPTEMBER 14, 2006

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Thursday, September 14. I further ask unanimous consent that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be considered approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the majority leader or his designee and the final 15 minutes under the control of the Democratic leader or his designee; further, that following morning business the Senate resume consideration of H.R. 4954, the port security bill.

I further ask unanimous consent that there be 1 hour of debate equally divided in the usual form, followed by a vote on the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, tomorrow the Senate will finish consideration of the port security bill. The cloture vote will occur at approximately 11 a.m. The leader urges our colleagues on both sides of the aisle to vote for cloture so that we can expedite passage of this important bill. Following the cloture vote, the bill's manager will work through the remaining amendments. Senators should expect votes throughout the day.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT—Continued

Mr. STEVENS. 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.

Mr. STEVENS. Mr. President, I ask unanimous consent that all second-degree amendments be filed at the desk by 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 4924, AS MODIFIED; 4928; 4932; 4933; 4939, AS MODIFIED; 4946, AS MODIFIED; 4950, AS MODIFIED; 4949; 4951; 4953; 4954, AS MODIFIED; 4955; 4959, AS MODIFIED; 4964; 4976; 4985, AS MODIFIED; 4988, AS MODIFIED; 5000; AND 4947, AS MODIFIED

Mr. STEVENS. Mr. President, I send to the desk a package of amendments. I would like to read them: amendment No. 4924, as modified, for Senator ROCKEFELLER; amendment No. 4928, for Senator BINGAMAN; amendment No. 4932, for Senator DOMENICI; amendment No. 4933, for Senator DOMENICI; amendment No. 4939, as modified, for Senator KERRY; amendment No. 4946, as modified, for Senator BURNS; amendment No. 4950, as modified, for Senator CANTWELL; amendment No. 4949, for Senator CANTWELL; amendment No. 4951, for Senator MCCAIN; amendment No. 4953, for Senator VITTER; amendment No. 4954, as modified, for Senator SNOWE; amendment No. 4955, for Senator ALLARD; amendment No. 4959, as modified, for Senator PRYOR; amendment No. 4964, for Senator BURNS; amendment No. 4976, for Senator BOXER; amendment No. 4985, as modified, for Senator BAUCUS; amendment No. 4988, as modified, for Senator LAUTENBERG; amendment No. 5000, for Senator SNOWE; and amendment No. 4947, as modified, for Senator BURNS.

I ask unanimous consent that these amendments be considered en bloc, adopted en bloc, and I move to reconsider that action.

Mrs. MURRAY. I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to en bloc as follows:

AMENDMENT NO. 4924, AS MODIFIED

SEC. ——. ESTABLISHMENT OF COMPETITIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

"SEC. 314. COMPETITIVE RESEARCH PROGRAM.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Science and Technology, shall establish a competitive research program within the Directorate.

"(2) DIRECTOR.—The program shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report to the Under Secretary.

"(3) DUTIES OF DIRECTOR.—In the administration of the program, the Director shall—

"(A) establish a cofunding mechanism for States with academic facilities that have not fully developed security-related science and technology to support burgeoning research efforts by the faculty or link them to established investigators;

"(B) provide for conferences, workshops, outreach, and technical assistance to researchers and institutions of higher education in States on topics related to developing science and technology expertise in areas of high interest and relevance to the Department;

"(C) monitor the efforts of States to develop programs that support the Department's mission;

"(D) implement a merit review program, consistent with program objectives, to ensure the quality of research conducted with Program funding; and

"(E) provide annual reports on the progress and achievements of the Program to the Secretary.

"(b) ASSISTANCE UNDER THE PROGRAM.—

"(1) SCOPE.—The Director shall provide assistance under the program for research and development projects that are related to, or qualify as, homeland security research (as defined in section 307(a)(2)) under the program.

"(2) FORM OF ASSISTANCE.—Assistance under the program can take the form of grants, contracts, or cooperative arrangements.

"(3) APPLICATIONS.—Applicants shall submit proposals or applications in such form, at such times, and containing such information as the Director may require.

"(c) IMPLEMENTATION.—

"(1) START-UP PHASES.—For the first 3 fiscal years beginning after the date of enactment of the Border Infrastructure and Technology Integration Act of 2004, assistance under the program shall be limited to institutions of higher education located in States in which an institution of higher education with a grant from, or a contract or cooperative agreement with, the National Science Foundation under section 113 of the National Science Foundation Act of 1988 (42 U.S.C. 1862) is located.

"(2) SUBSEQUENT FISCAL YEARS.—

"(A) IN GENERAL.—Beginning with the 4th fiscal year after the date of enactment of this Act, the Director shall rank order the States (excluding any noncontiguous State (as defined in section 2(14)) other than Alaska, Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands) in descending order in terms of the average amount of funds received by institutions of higher education (as that term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in each State that received financial assistance in the form of grants, contracts, or cooperative arrangements under

this title during each of the preceding 3 fiscal years.

''(B) ALLOCATION.—Beginning with the 4th fiscal year after the date of enactment of this Act, assistance under the program for any fiscal year is limited to institutions of higher education located in States in the lowest third of those ranked under subparagraph (A) for that fiscal year.

''(C) DETERMINATION OF LOCATION.—For purposes of this paragraph, an institution of higher education shall be considered to be located in the State in which its home campus is located, except that assistance provided under the program to a division, institute, or other facility located in another State for use in that State shall be considered to have been provided to an institution of higher education located in that other State.

''(D) MULTIYEAR ASSISTANCE.—For purposes of this paragraph, assistance under the program that is provided on a multi-year basis shall be counted as provided in each such year in the amount so provided for that year.

''(d) FUNDING.—The Secretary shall ensure, subject to the availability of appropriations, that up to 5 percent of the amount appropriated for each fiscal year to the Acceleration Fund for Research and Development of Homeland Security Technologies established by section 307(c)(1) is allocated to the program established by subsection (a).''.

''(e) REPORT.—The Secretary shall submit an annual report to the appropriate congressional committees detailing the funds expended for the Acceleration Fund for Research and Development of Homeland Security technologies established by section 307(c)(1).''.

(b) CONFORMING AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 313 the following:

''Sec. 314. Competitive research program.''.

AMENDMENT NO. 4928

(Purpose: To provide a pilot program to extend the hours of commercial operations at Santa Teresa, New Mexico)

At the appropriate place, insert the following:

SEC. ———. PILOT PROGRAM TO EXTEND CERTAIN COMMERCIAL OPERATIONS.

(a) IN GENERAL.—During fiscal year 2006, the Commissioner shall extend the hours of commercial operations at the port of entry located at Santa Teresa, New Mexico, to a minimum of 16 hours a day.

''(B) REPORT.—The Commissioner shall submit a report to the appropriate congressional committees not later than September 30, 2006, with respect to the extension of hours of commercial operations described in subsection (a). The report shall include—

''(1) an analysis of the impact of the extended hours of operation on the port facility, staff, and trade volume handled at the port; and

''(2) recommendations regarding whether to extend such hours of operation beyond fiscal year 2007.

AMENDMENT NO. 4932

(Purpose: To establish a Domestic Nuclear Detection Office with the Department of Homeland Security, and for other purposes)

On page 87, add after line 18, the following:

TITLE V—DOMESTIC NUCLEAR DETECTION OFFICE

SEC. 501. ESTABLISHMENT OF DOMESTIC NUCLEAR DETECTION OFFICE.

(a) ESTABLISHMENT OF OFFICE.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

''TITLE XVIII—DOMESTIC NUCLEAR DETECTION OFFICE

''SEC. 1801. DOMESTIC NUCLEAR DETECTION OFFICE.

''(a) ESTABLISHMENT.—There shall be established in the Department of Homeland Security a Domestic Nuclear Detection Office. The Secretary of Homeland Security may request that the Secretaries of Defense, Energy, and State, the Attorney General, the Nuclear Regulatory Commission, and the directors of other Federal agencies, including elements of the Intelligence Community, provide for the reimbursable detail of personnel with relevant expertise to the Office.

''(b) DIRECTOR.—The Office shall be headed by a Director for Domestic Nuclear Detection, who shall be appointed by the President.

''SEC. 1802. MISSION OF OFFICE.

''(a) MISSION.—The Office shall be responsible for coordinating Federal efforts to detect and protect against the unauthorized importation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material in the United States, and to protect against attack using such devices or materials against the people, territory, or interests of the United States and, to this end, shall—

''(1) serve as the primary entity in the United States Government to further develop, acquire, and support the deployment of an enhanced domestic system to detect and report on attempts to import, possess, store, transport, develop, or use an unauthorized nuclear explosive device, fissile material, or radiological material in the United States, and improve that system over time;

''(2) enhance and coordinate the nuclear detection efforts of Federal, State, local, and tribal governments and the private sector to ensure a managed, coordinated response;

''(3) establish, with the approval of the Secretary of Homeland Security and in coordination with the Attorney General and the Secretaries of Defense and Energy, additional protocols and procedures for use within the United States to ensure that the detection of unauthorized nuclear explosive devices, fissile material, or radiological material is promptly reported to the Attorney General, the Secretaries of Defense, Homeland Security, and Energy, and other appropriate officials or their respective designees for appropriate action by law enforcement, military, emergency response, or other authorities;

''(4) develop, with the approval of the Secretary of Homeland Security and in coordination with the Attorney General and the Secretaries of State, Defense, and Energy, an enhanced global nuclear detection architecture with implementation under which—

''(A) the Domestic Nuclear Detection Office will be responsible for the implementation of the domestic portion of the global architecture;

''(B) the Secretary of Defense will retain responsibility for implementation of Department of Defense requirements within and outside the United States; and

''(C) the Secretaries of State, Defense, and Energy will maintain their respective responsibilities for policy guidance and implementation of the portion of the global architecture outside the United States, which will be implemented consistent with applicable law and relevant international arrangements;

''(5) conduct, support, coordinate, and encourage an aggressive, expedited, evolutionary, and transformational program of research and development efforts to prevent and detect the illicit entry, transport, assembly, or potential use within the United States of a nuclear explosive device or fissile or radiological material;

''(6) support and enhance the effective sharing and use of appropriate information generated by the intelligence community, law enforcement agencies, counterterrorism community, other government agencies, and foreign governments, as well as provide appropriate information to such entities;

''(7) further enhance and maintain continuous awareness by analyzing information from all Domestic Nuclear Detection Office mission-related detection systems; and

''(8) perform other duties as assigned by the Secretary.

''SEC. 1803. HIRING AUTHORITY.

''In hiring personnel for the Office, the Secretary of Homeland Security shall have the hiring and management authorities provided in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105–261). The term of appointments for employees under subsection (c)(1) of that section may not exceed 5 years before granting any extension under subsection (c)(2) of that section.

''SEC. 1804. TESTING AUTHORITY.

''(a) IN GENERAL.—The Director shall coordinate with the responsible Federal agency or other entity to facilitate the use by the Office, by its contractors, or by other persons or entities, of existing Government laboratories, centers, ranges, or other testing facilities for the testing of materials, equipment, models, computer software, and other items as may be related to the missions identified in section 1802. Any such use of Government facilities shall be carried out in accordance with all applicable laws, regulations, and contractual provisions, including those governing security, safety, and environmental protection, including, when applicable, the provisions of section 309. The Office may direct that private-sector entities utilizing Government facilities in accordance with this section pay an appropriate fee to the agency that owns or operates those facilities to defray additional costs to the Government resulting from such use.

''(b) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed with services made available shall be confidential and shall not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

''(c) FEES.—Fees for services made available under this section shall not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

''(d) USE OF FEES.—Fees received for services made available under this section may be credited to the appropriation from which funds were expended to provide such services.

''SEC. 1805. RELATIONSHIP TO OTHER DEPARTMENT ENTITIES AND FEDERAL AGENCIES.

''The authority of the Director under this title shall not affect the authorities or responsibilities of any officer of the Department of Homeland Security or of any officer of any other Department or agency of the United States with respect to the command, control, or direction of the functions, personnel, funds, assets, and liabilities of any entity within the Department of Homeland Security or any Federal department or agency.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended by adding at the end the following:

''(5) A Director of the Domestic Nuclear Detection Office.''.

(2) Section 302 of such Act (6 U.S.C. 182) is amended—

(A) in paragraph (2) by striking ''radiological, nuclear''; and

(B) in paragraph (5)(A) by striking ''radiological, nuclear''.

(3) Section 305 of such Act (6 U.S.C. 185) is amended by inserting ''and the Director of the Domestic Nuclear Detection Office'' after ''Technology''.

(4) Section 308 of such Act (6 U.S.C. 188) is amended in each of subsections (a) and (b)(1) by inserting ''and the Director of the Domestic Nuclear Detection Office'' after ''Technology'' each place it appears.

(5) The table of contents of such Act (6 U.S.C. 101) is amended by adding at the end the following:

''TITLE XVIII—DOMESTIC NUCLEAR DETECTION OFFICE

''Sec. 1801. Domestic Nuclear Detection Office.
''Sec. 1802. Mission of office.
''Sec. 1803. Hiring authority.
''Sec. 1804. Testing authority.
''Sec. 1805. Relationship to other department entities and Federal agencies.''.

SEC. 502. TECHNOLOGY RESEARCH AND DEVELOPMENT INVESTMENT STRATEGY FOR NUCLEAR AND RADIOLOGICAL DETECTION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, the Secretary of the Department of Energy, the Secretary of Defense, and the Director of National Intelligence shall submit to Congress a research and development investment strategy for nuclear and radiological detection.

(b) CONTENTS.—The strategy under subsection (a) shall include—

(1) a long-term technology roadmap for nuclear and radiological detection applicable to the mission needs of the Departments of Homeland Security, Energy, and Defense, and the Office of the Director of National Intelligence;

(2) budget requirements necessary to meet the roadmap; and

(3) documentation of how the Departments of Homeland Security, Energy, and Defense, and the Office of the Director of National Intelligence will implement the intent of this title.

AMENDMENT NO. 4933

(Purpose: To provide for coordination between the Department of Homeland Security and the Department of Energy, and for other purposes)

On page 44, lines 14 and 15, strike ''under any program administered by the Department''.

On page 44, lines 23 and 24, strike ''the Department's'' and insert ''both the Department's and the Department of Energy's''.

On page 59, lines 12 and 13, strike ''The equipment may be provided by the Megaports Initiative of the Department of Energy.''.

On page 59, line 17, insert ''(1) IN GENERAL.—'' before ''The''.

On page 59, between lines 22 and 23, insert the following:

(2) COORDINATION.—The Secretary shall coordinate with the Secretary of Energy to—

(A) provide radiation detection equipment required to support the pilot-integrated scanning system established pursuant to subsection (a) through the Department of Energy's Second Line of Defense and Megaports programs; or

(B) work with the private sector to obtain radiation detection equipment that meets both the Department's and the Department of Energy's technical specifications for such equipment.

AMENDMENT NO. 4939, AS MODIFIED

On page 8, between lines 18 and 19, insert the following:

(B) in subparagraph (E), by striking ''describe the'' and inserting ''provide a strategy and timeline for conducting'';

On page 8, line 19, strike ''(B)'' and insert ''(C)''.

On page 8, line 21, strike ''(C)'' and insert ''(D)''.

On page 8, line 23, strike ''(D)'' and insert ''(E)''.

On page 20, line 12, strike ''may'' and insert ''shall''.

On page 22, between lines 16 and 17, insert the following:

(c) TRAINING PARTNERS.—In developing and delivering training under the Program, the Secretary, in coordination with the Maritime Administration of the Department of Transportation, and consistent with section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note), shall—

(1) work with government training facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and non-governmental emergency responder providers or commercial seaport personnel and management; and

(2) utilize, as appropriate, government training facilities, courses provided by community colleges, public safety academies, State and private universities, and other facilities.

On page 22, line 20, strike ''may'' and insert ''shall''.

(d) DEFINITIONS.—On page 7, line 4, strike ''labor dispute,''.

AMENDMENT NO. 4946, AS MODIFIED

At the appropriate place, insert the following:

SEC. _____. SECURITY PLAN FOR ESSENTIAL AIR SERVICE AIRPORTS.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Assistant Secretary for the Transportation Security Administration shall submit to Congress a security plan for Essential Air Service airports in the United States.

(b) ELEMENTS OF PLAN.—The security plan required by subsection (a) shall include the following:

(1) Recommendations for improved security measures at such airports.

(2) Recommendations for proper passenger and cargo security screening procedures at such airports.

(3) A timeline for implementation of recommended security measures or procedures at such airports.

(4) Cost analysis for implementation of recommended security measures or procedures at such airports.

AMENDMENT NO. 4950, AS MODIFIED

On page 27, between lines 20 and 21, insert the following:

(h) INTERMODAL RAIL RADIATION DETECTION TEST CENTER.—

(1) ESTABLISHMENT.—In accordance with subsection (b), and in order to comply with this section, the Secretary shall establish Intermodal Rail Radiation Detection Test Centers (referred to in this subsection as the ''Test Centers'').

(2) PROJECTS.—The Secretary shall conduct multiple, concurrent projects at the Test Centers to rapidly identify and test concepts specific to the challenges posed by on-dock rail.

(3) LOCATION.—The Test Centers shall be located within public port facilities which have a significant portion of the containerized cargo directly laden from (or unladen to) on-dock, intermodal rail, including at least one public port facility at which more than 50 percent of the containerized cargo is directly laden from (or unladen to) on-dock, intermodal rail.

AMENDMENT NO. 4949

On page 29, line 6, insert ''ferry operators and'' after ''with''.

AMENDMENT NO. 4951

(Purpose: To require disclosures regarding homeland security grants)

At the appropriate place, insert the following:

SEC. ____. DISCLOSURES REGARDING HOMELAND SECURITY GRANTS.

(a) DEFINITIONS.—In this section:

(1) HOMELAND SECURITY GRANT.—The term ''homeland security grant'' means any grant made or administered by the Department, including—

(A) the State Homeland Security Grant Program;

(B) the Urban Area Security Initiative Grant Program;

(C) the Law Enforcement Terrorism Prevention Program;

(D) the Citizen Corps; and

(E) the Metropolitan Medical Response System.

(2) LOCAL GOVERNMENT.—The term ''local government'' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(b) REQUIRED DISCLOSURES.—Each State or local government that receives a homeland security grant shall, not later than 12 months after the later of the date of enactment of this Act and the date of receipt of such grant, and every 12 months thereafter until all funds provided under such grant are expended, report to the Secretary a list of all expenditures made by such State or local government using funds from such grant.

AMENDMENT NO. 4953

(Purpose: To provide for additional security relating to foreign vessels working on the outer Continental Shelf)

On page 18, before line 16, insert the following:

SEC. 107. NOTICE OF ARRIVAL FOR FOREIGN VESSELS ON THE OUTER CONTINENTAL SHELF.

(a) NOTICE OF ARRIVAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary is directed to update and finalize its rulemaking on Notice of Arrival for foreign vessels on the outer Continental Shelf.

(b) CONTENT OF REGULATIONS.—The regulations promulgated pursuant to paragraph (1) shall be consistent with information required under the Notice of Arrival under section 160.206 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

AMENDMENT TO 4954, AS MODIFIED

On page 66, before line 9, insert the following:

SEC. 233. INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE.

(a) FINDING.—Congress finds that the Coast Guard, with existing resources, is able to inspect foreign countries no more frequently than on a 4 to 5 year cycle.

(b) IN GENERAL.—

(1) RESOURCES TO COMPLETE INITIAL INSPECTIONS AND VALIDATION.—The Commandant of the Coast Guard shall increase the resources dedicated to the International Port Inspection Program and complete inspection of all foreign countries that trade with the United States, including the validation of compliance of such countries with the International Ship and Port Facility Security

Code, not later than December 31, 2008. If the Commandant of the Coast Guard is unable to meet this objective, the Commandant of the Coast Guard shall report to Congress on the resources needed to meet the objective.

(2) REINSPECTION AND VALIDATION.—The Commandant of the Coast Guard shall maintain the personnel and resources necessary to maintain a schedule of re-inspection of foreign countries every 2 years under the International Port Inspection Program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Coast Guard such sums as are necessary to carry out the provisions of this section, subject to the availability of appropriations.

AMENDMENT NO. 4955

(Purpose: To include the Transportation Technology Center in the National Domestic Preparedness Consortium)

At the appropriate place, insert the following:

SEC. ___. INCLUSION OF THE TRANSPORTATION TECHNOLOGY CENTER IN THE NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

The National Domestic Preparedness Consortium shall include the Transportation Technology Center in Pueblo, Colorado.

AMENDMENT NO. 4959, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. TRUCKING SECURITY.

(a) LEGAL STATUS VERIFICATION FOR LICENSED UNITED STATES COMMERCIAL DRIVERS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Transportation, in cooperation with the Secretary of Homeland Security, shall issue regulations to implement the recommendations contained in the memorandum of the Inspector General of the Department of Transportation issued on June 4, 2004 (Control No. 2004–054).

(b) COMMERCIAL DRIVER'S LICENSE ANTI-FRAUD PROGRAMS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of the Transportation, in conjunction with the Secretary of the Department of Homeland Security, shall issue a regulation to implement the recommendations contained in the Report on Federal Motor Carrier Safety Administration Oversight of the Commercial Driver's License Program (MH–2006–037).

(c) VERIFICATION OF COMMERCIAL MOTOR VEHICLE TRAFFIC.—

(1) GUIDELINES.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Homeland Security shall draft guidelines for Federal, State, and local law enforcement officials, including motor carrier safety enforcement personnel, to improve compliance with Federal immigration and customs laws applicable to all commercial motor vehicles and commercial motor vehicle operators engaged in cross-border traffic.

(2) VERIFICATION.—Not later than 12 months after the date of the enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration shall modify the final rule regarding the enforcement of operating authority (Docket No. FMCSA–2002–13015) to establish a system or process by which a carrier's operating authority can be verified during a roadside inspection.

AMENDMENT NO. 4964

(Purpose: To extend the requirement for air carriers to honor tickets for suspended air passenger service)

At the appropriate place, insert the following:

SEC. ———. EXTENSION OF REQUIREMENT FOR AIR CARRIERS TO HONOR TICKETS FOR SUSPENDED AIR PASSENGER SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking ''November 19, 2005.'' and inserting ''November 30, 2007.''.

AMENDMENT NO. 4976

(Purpose: To protect commercial aircraft from the threat of Man-Portable Air Defense Systems)

At the appropriate place, insert the following:

SEC. ___. MAN-PORTABLE AIR DEFENSE SYSTEMS.

(a) IN GENERAL.—It is the sense of Congress that the budget of the United States Government submitted by the President for fiscal year 2008 under section 1105(a) of title 31, United States Code, should include an acquisition fund for the procurement and installation of countermeasure technology, proven through the successful completion of operational test and evaluation, to protect commercial aircraft from the threat of Man-Portable Air Defense systems (MANPADS).

(b) DEFINITION OF MANPADS.—In this section, the term ''MANPADS'' means—

(1) a surface-to-air missile system designed to be man-portable and carried and fired by a single individual; and

(2) any other surface-to-air missile system designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.

AMENDMENT NO. 4985, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. AIR AND MARINE OPERATIONS OF THE NORTHERN BORDER AIR WING.

In addition to any other amounts authorized to be appropriated for Air and Marine Operations of United States Customs and Border Protection, there are authorized to be appropriated for fiscal year 2007 and 2008 for operating expenses of the Northern Border Air Wing—$40,000,000 for the branch in Great Falls, Montana.

AMENDMENT NO. 4988, AS MODIFIED

At the appropriate place insert the following:

TITLE —IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

SEC. —100. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Transportation Security Improvement Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —100. Short title; table of contents.
Sec. —101. Hazardous materials highway routing.
Sec. —102. Motor carrier high hazard material tracking.
Sec. —103. Hazardous materials security inspections and enforcement.
Sec. —104. Truck security assessment.
Sec. —105. National public sector response system.
Sec. —106. Over-the-road bus security assistance.
Sec. —107. Pipeline security and incident recovery plan.
Sec. —108. Pipeline security inspections and enforcement.

SEC. —101. HAZARDOUS MATERIALS HIGHWAY ROUTING.

(a) ROUTE PLAN GUIDANCE.—Within one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall—

(1) document existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier, and develop a framework for using a Geographic Information System-based approach to characterize routes in the National Hazardous Materials Route Registry;

(2) assess and characterize existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns;

(3) analyze current route-related hazardous materials regulations in the United States, Canada, and Mexico to identify cross-border differences and conflicting regulations;

(4) document the concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials for the purpose of identifying and mitigating security vulnerabilities associated with hazardous material routes;

(5) prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security vulnerabilities when designating highway routes for hazardous materials consistent with the 13 safety-based non-radioactive materials routing criteria and radioactive materials routing criteria in Subpart C part 397 of title 49, Code of Federal Regulations;

(6) develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous material and assess specific security vulnerabilities associated with each route and explore alternative mitigation measures; and

(7) transmit to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure a report on the actions taken to fulfill paragraphs (1) through (6) of this subsection and any recommended changes to the routing requirements for the highway transportation of hazardous materials in part 397 of title 49, Code of Federal Regulations.

(b) ROUTE PLANS.—

(1) ASSESSMENT.—Within one year after the date of enactment of this Act, the Secretary of Transportation shall complete an assessment of the safety and national security benefits achieved under existing requirements for route plans, in written or electronic format, for explosives and radioactive materials. The assessment shall, at a minimum—

(A) compare the percentage of Department of Transportation recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials for which such route plans are required with the percentage of recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials not subject to such route plans; and

(B) quantify the security and safety benefits, feasibility, and costs of requiring each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry such a route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title, taking into account the various segments of the trucking industry, including tank truck, truckload and less than truckload carriers.

(2) REPORT.—Within one year after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the findings and conclusions of the assessment.

(c) REQUIREMENT.—The Secretary shall require motor carriers that have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry a route plan, in written or electronic format, that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title if the Secretary determines, under the assessment required in subsection (b), that such a requirement would enhance the security and safety of the nation without imposing unreasonable costs or burdens upon motor carriers.

SEC. —102. MOTOR CARRIER HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS—

(1) IN GENERAL.—Consistent with the findings of the Transportation Security Administration's Hazmat Truck Security Pilot Program and within 6 months after the date of enactment of this Act, the Secretary of Homeland Security, through the Transportation Security Administration and in consultation with the Secretary of Transportation, shall develop a program to encourage the equipping of motor carriers transporting high hazard materials in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless communications technology that provides—

(A) continuous communications;

(B) vehicle position location and tracking capabilities; and

(C) a feature that allows a driver of such vehicles to broadcast an emergency message.

(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier tracking at the Department of Transportation;

(B) take into consideration the recommendations and findings of the report on theHazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(C) evaluate—

(i) any new information related to the cost and benefits of deploying and utilizing truck tracking technology for motor carriers transporting high hazard materials not included in the Hazardous Material Safety and Security Operation Field Test Report released by the Federal Motor Carrier Safety Administration on November 11, 2004;

(ii) the ability of truck tracking technology to resist tampering and disabling;

(iii) the capability of truck tracking technology to collect, display, and store information regarding the movements of shipments of high hazard materials by commercial motor vehicles;

(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting high hazard materials; and

(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities and alert emergency response resources to locate and recover security sensitive material in the event of loss or theft of such material.

(b) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

SEC. —103. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans required under part 172, title 49, Code of Federal Regulations, within 180 days after the date of enactment of this Act. In establishing the program, the Secretary shall ensure that—

(1) the program does not subject carriers to unnecessarily duplicative reviews of their security plans by the 2 departments; and

(2) a common set of standards is used to review the security plans.

(b) CIVIL PENALTY.—The failure, by a shipper, carrier, or other person subject to part 172 of title 49, Code of Federal Regulations, to comply with any applicable section of that part within 180 days after being notified by the Secretary of such failure to comply, is punishable by a civil penalty imposed by the Secretary under title 49, United States Code. For purposes of this subsection, each day of noncompliance after the 181st day following the date on which the shipper, carrier, or other person received notice of the failure shall constitute a separate failure.

(c) COMPLIANCE REVIEW.—In reviewing the compliance of hazardous materials shippers, carriers, or other persons subject to part 172 of title 49, Code of Federal Regulations, with the provisions of that part, the Secretary shall utilize risk assessment methodologies to prioritize review and enforcement actions to the most vulnerable and critical hazardous materials transportation operations.

(d) TRANSPORTATION COSTS STUDY.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary of Homeland Security, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers associated with the transportation of hazardous materials are reflected in the rates paid by shippers of such commodities as compared to the costs and rates respectively for the transportation of non-hazardous materials.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2007;

(2) $2,000,000 for fiscal year 2008; and

(3) $2,000,000 for fiscal year 2009.

SEC. —104. TRUCK SECURITY ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Senate Committee on Commerce, Science, and Transportation, Senate Committee on Finance, the House of Representatives Committee on Transportation and Infrastructure, the House of Representatives Committee on Homeland Security and the House of Representatives Committee on Ways and Means a report on security issues related to the trucking industry that includes—

(1) an assessment of actions already taken to address identified security issues by both public and private entities;

(2) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;

(3) an assessment of ongoing research and the need for additional research on truck security; and

(4) an assessment of industry best practices to enhance security.

SEC. —105. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.

(a) DEVELOPMENT.—The Secretary of Homeland Security, in conjunction with the Secretary of Transportation, shall consider the development of a national public sector response system to receive security alerts, emergency messages, and other information used to track the transportation of high hazard materials which can provide accurate, timely, and actionable information to appropriate first responder, law enforcement and public safety, and homeland security officials, as appropriate, regarding accidents, threats, thefts, or other safety and security risks or incidents. In considering the development of this system, they shall consult with law enforcement and public safety officials, hazardous material shippers, motor carriers, railroads, organizations representing hazardous material employees, State transportation and hazardous materials officials, private for-profit and nonprofit emergency response organizations, and commercial motor vehicle and hazardous material safety groups. Consideration of development of the national public sector response system shall be based upon the public sector response center developed for the Transportation Security Administration hazardous material truck security pilot program and hazardous material safety and security operational field test undertaken by the Federal Motor Carrier Safety Administration.

(b) CAPABILITY.—The national public sector response system to be considered shall be able to receive, as appropriate—

(1) negative driver verification alerts;

(2) out-of-route alerts;

(3) driver panic or emergency alerts; and

(4) tampering or release alerts.

(c) CHARACTERISTICS.—The national public sector response system to be considered shall—

(1) be an exception-based system;

(2) be integrated with other private and public sector operation reporting and response systems and all Federal homeland security threat analysis systems or centers (including the National Response Center); and

(3) provide users the ability to create rules for alert notification messages.

(d) CARRIER PARTICIPATION.—The Secretary of Homeland Security shall coordinate with motor carriers and railroads transporting high hazard materials, entities acting on their behalf who receive communication alerts from motor carriers or railroads, or other Federal agencies that receive security and emergency related notification regarding high hazard materials in transit to facilitate the provisions of the information listed in subsection (b) to the national public sector response system to the extent possible if the system is established.

(e) DATA PRIVACY.—The national public sector response system shall be designed to ensure appropriate protection of data and information relating to motor carriers, railroads, and employees.

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on whether to establish a national public sector response system and the estimated total public and private sector costs to establish and annually operate such a system, together with any recommendations for generating private sector participation and investment in the development and operation of such a system.

(g) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $1,000,000 for fiscal year 2007;

(2) $1,000,000 for fiscal year 2008; and

(3) $1,000,000 for fiscal year 2009.

SEC. —106. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration for making grants to private operators of over-the-road buses or over-the-road-bus terminal operators for system-wide security improvements to their operations, including—

(1) constructing and modifying terminals, garages, facilities, or over-the-road buses to assure their security;

(2) protecting or isolating the driver;

(3) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

(4) training employees in recognizing and responding to security threats, evacuation procedures, passenger screening procedures, and baggage inspection;

(5) hiring and training security officers;

(6) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing and upgrading an emergency communications system linking operational headquarters, over-the-road buses, law enforcement, and emergency personnel; and

(9) implementing and operating passenger screening programs at terminals and on over-the-road buses.

(b) FEDERAL SHARE.—The Federal share of the cost for which any grant is made under this section shall be 80 percent.

(c) DUE CONSIDERATION.—In making grants under this section, the Secretary shall give due consideration to private operators of over-the-road buses that have taken measures to enhance bus transportation security from those in effect before September 11, 2001, and shall prioritize grant funding based on the magnitude and severity of the security threat to bus passengers and the ability of the funded project to reduce, or respond to, that threat.

(d) GRANT REQUIREMENTS.—A grant under this section shall be subject to all the terms and conditions that a grant is subject to under section 3038(f) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393).

(e) PLAN REQUIREMENT.—

(1) IN GENERAL.—The Secretary may not make a grant under this section to a private operator of over-the-road buses until the operator has first submitted to the Secretary—

(A) a plan for making security improvements described in subsection (a) and the Secretary has approved the plan; and

(B) such additional information as the Secretary may require to ensure accountability for the obligation and expenditure of amounts made available to the operator under the grant.

(2) COORDINATION.—To the extent that an application for a grant under this section proposes security improvements within a specific terminal owned and operated by an entity other than the applicant, the applicant shall demonstrate to the satisfaction of the Secretary that the applicant has coordinated the security improvements for the terminal with that entity.

(f) OVER-THE-ROAD BUS DEFINED.—In this section, the term ''over-the-road bus'' means a bus characterized by an elevated passenger deck located over a baggage compartment.

(g) BUS SECURITY ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a preliminary report in accordance with the requirements of this section.

(2) CONTENTS OF PRELIMINARY REPORT.—The preliminary report shall include—

(A) an assessment of the over-the-road bus security grant program;

(B) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;

(C) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

(D) an assessment of the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees;

(E) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; and

(F) an assessment of industry best practices to enhance security.

(3) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

(h) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $12,000,000 for fiscal year 2007;

(2) $25,000,000 for fiscal year 2008; and

(3) $25,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. —107. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Memorandum of Understanding Annex executed under section —108, shall develop a Pipeline Security and Incident Recovery Protocols Plan. The plan shall include—

(1) a plan for the Federal Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section —108—

(A) at high or severe security threat levels of alert; and

(B) when specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for granting access to pipeline operators for pipeline infrastructure repair, replacement or bypass following an incident.

(b) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The plan shall take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions.

(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary of Homeland Security shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, pipeline labor, first responders, shippers of hazardous materials, State Departments of Transportation, public safety officials, and other relevant parties.

(d) REPORT.—

(1) CONTENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a), along with an estimate of the private and public sector costs to implement any recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section $1,000,000 for fiscal year 2007.

SEC. —108. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations in the September, 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) REVIEW AND INSPECTION.—Within 9 months after the date of enactment of this Act the Secretary shall complete a review of the pipeline security plan and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September, 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department of Homeland Security or the Department of Transportation, as determined by the Secretary in consultation with the Secretary of Transportation.

(c) COMPLIANCE REVIEW METHODOLOGY.—In reviewing pipeline operator compliance under subsections (a) and (b), the Secretary shall utilize risk assessment methodologies to prioritize vulnerabilities and to target inspection and enforcement actions to the most vulnerable and critical pipeline assets.

(d) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit to pipeline operators and the Secretary of Transportation security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary of Homeland Security determines that regulations are appropriate, the Secretary shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations should incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the

imposition of civil penalties for non-compliance.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2007; and

(2) $2,000,000 for fiscal year 2008.

SEC. —109. TECHNICAL CORRECTIONS.

(a) HAZMAT LICENSES.—Section 5103a of title 49, United States Code, is amended—

(1) by inserting ''of Homeland Security'' each place it appears in subsections (a)(1), (d)(1)(b), and (e); and

(2) by redesignating subsection (h) as subsection (i) and inserting the following after subsection (g):

''(h) RELATIONSHIP TO TRANSPORTATION SECURITY CARDS.—Upon application, a State shall issue to an individual a license to operate a motor vehicle transporting in commerce a hazardous material without the security assessment required by this section, provided the individual meets all other applicable requirements for such a license, if the Secretary of Homeland Security has previously determined, under section 70105 of title 46, United States Code, that the individual does not pose a security risk.''.

AMENDMENT NO. 5000

(Purpose: To conduct a study to identify redundancies and inefficiencies in connection with Federal background checks)

At the appropriate place, insert the following:

SEC. ___. STUDY TO IDENTIFY REDUNDANT BACKGROUND RECORDS CHECKS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of background records checks carried out by Federal departments and agencies that are similar to the background records check required under section 5103a of title 49, United States Code, to identify redundancies and inefficiencies in connection with such checks.

(b) CONTENTS.—In conducting the study, the Comptroller General of the United States shall review, at a minimum, the background records checks carried out by—

(1) the Secretary of Defense;

(2) the Secretary of Homeland Security; and

(3) the Secretary of Energy.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the results of the study, including—

(1) an identification of redundancies and inefficiencies referred to in subsection (a); and

(2) recommendations for eliminating such redundancies and inefficiencies.

AMENDMENT NO. 4947 AS MODIFIED

At the appropriate place, insert the following:

TITLE ___—IP-ENABLED VOICE COMMUNICATIONS AND PUBLIC SAFETY

SEC. —01. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''IP-Enabled Voice Communications and Public Safety Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —01. Short title; table of contents.
Sec. —02. Emergency service.
Sec. —03. Enforcement.
Sec. —04. Migration to IP-enabled emergency network.
Sec. —05. Definitions.

SEC. —02. EMERGENCY SERVICE.

(a) ACCESS TO 911 COMPONENTS.—Within 90 days after the date of enactment of this Act, the Commission shall issue regulations regarding access by IP-enabled voice service providers to 911 components that permit any IP-enabled voice service provider to elect to be treated as a commercial mobile service provider for the purpose of access to any 911 component, except that the regulations issued under this subsection may take into account any technical or network security issues that are specific to IP-enabled voice services.

(b) STATE AUTHORITY OVER FEES.—Nothing in this title, the Communications Act of 1934, or any Commission regulation or order shall prevent the imposition on, or collection from, a provider of IP-enabled voice services of any fee or charge specifically designated by a State, political subdivision thereof, or Indian tribe for the support of 911 or E–911 services if that fee or charge—

(1) does not exceed the amount of any such fee or charge imposed on or collected from a provider of telecommunications services; and

(2) is obligated or expended in support of 911 and E–911 services, or enhancements of such services, or other emergency communications services as specified in the provision of State or local law adopting the fee or charge.

(c) PARITY OF PROTECTION FOR PROVISION OR USE OF IP-ENABLED VOICE SERVICE.—A provider or user of IP-enabled voice services, a PSAP, and the officers, directors, employees, vendors, agents, and authorizing government entity (if any) of such provider, user, or PSAP, shall have the same scope and extent of immunity and other protection from liability under Federal and State law with respect to—

(1) the release of subscriber information related to emergency calls or emergency services,

(2) the use or provision of 911 and E–911 services, and

(3) other matters related to 911 and E–911 services,

as section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) provides to wireless carriers, PSAPs, and users of wireless 9–1–1 service (as defined in paragraphs (4), (3), and (6), respectively, of section 6 of that Act (47 U.S.C. 615b)) with respect to such release, use, and other matters.

(d) LIMITATION ON COMMISSION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

SEC. —03. ENFORCEMENT.

The Commission shall enforce this title, and any regulation promulgated under this title, under the Communications Act of 1934 (47 U.S.C. 151 et seq.) as if this title were a part of that Act. For purposes of this section any violation of this title, or any regulation promulgated under this title, is deemed to be a violation of the Communications Act of 1934.

SEC. —04. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

(a) IN GENERAL.—Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following:

''(d) MIGRATION PLAN REQUIRED.—

''(1) NATIONAL PLAN REQUIRED.—No more than 18 months after the date of the enactment of the IP-Enabled Voice Communications and Public Safety Act of 2005, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

''(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—

''(A) outline the potential benefits of such a migration;

''(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

''(C) include a proposed timetable, an outline of costs and potential savings;

''(D) provide specific legislative language, if necessary, for achieving the plan;

''(E) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network; and

''(F) assess, collect, and analyze the experiences of the PSAPs and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2005.

''(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, technology and telecommunications providers, and others it deems appropriate.''; and

(3) by striking ''services.'' in subsection (b)(1) and inserting ''services, and, upon completion of development of the national plan for migrating to a national IP-enabled emergency network under subsection (d), for migration to an IP-enabled emergency network.''.

(b) REPORT ON PSAPS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(A) compile a list of all known public safety answering points, including such contact information regarding public safety answering points as the Commission determines appropriate;

(B) organize such list by county, town, township, parish, village, hamlet, or other general purpose political subdivision of a State; and

(C) make available from such list—

(i) to the public, on the Internet website of the Commission—

(I) the 10 digit telephone number of those public safety answering points appearing on such list; and

(II) a statement explicitly warning the public that such telephone numbers are not intended for emergency purposes and as such may not be answered at all times; and

(ii) to public safety answering points all contact information compiled by the Commission.

(2) CONTINUING DUTY.—The Commission shall continue—

(A) to update the list made available to the public described in paragraph (1)(C); and

(B) to improve for the benefit of the public the accessibility, use, and organization of such list.

(3) PSAPS REQUIRED TO COMPLY.—Each public safety answering point shall provide all requested contact information to the Commission as requested.

(c) REPORT ON SELECTIVE ROUTERS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall—

(A) compile a list of selective routers, including the contact information of the owners of such routers;

(B) organize such list by county, town, township, parish, village, hamlet, or other general purpose political subdivision of a State; and

(C) make such list available to providers of telecommunications service and to providers of IP-enabled voice service who are seeking to provide E-911 service to their subscribers.

SEC. —05. DEFINITIONS.

(a) IN GENERAL.—For purposes of this title:

(1) 911.—The term ''911'' means a service that allows a user, by dialing the three-digit code 911, to call a public safety answering point operated by a State, local government, Indian tribe, or authorized entity.

(2) 911 COMPONENT.—The term ''911 component'' means any equipment, network, databases (including automatic location information databases and master street address guides), interface, selective router, trunkline, or other related facility necessary for the delivery and completion of 911 or E–911 calls and information related to such calls to which the Commission requires access pursuant to its rules and regulations.

(3) E–911 SERVICE.—The term ''E–911 service'' means a 911 service that automatically delivers the 911 call to the appropriate public safety answering point, and provides automatic identification data, including the originating number of an emergency call, the physical location of the caller, and the capability for the public safety answering point to call the user back if the call is disconnected.

(4) IP-ENABLED VOICE SERVICE.—The term ''IP-enabled voice service'' means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately), or without a fee, with 2-way interconnection capability such that the service can originate traffic to, and terminate traffic from, the public switched telephone network.

(5) PSAP.—The term ''public safety answering point'' or ''PSAP'' means a facility that has been designated to receive 911 or E–911 calls.

(b) COMMON TERMINOLOGY.—Except as otherwise provided in subsection (a), terms used in this title have the meanings provided under section 3 of the Communications Act of 1934.

Mr. STEVENS. Mr. President, there may be statements that Senators wish to have printed in the RECORD. I ask unanimous consent that it be in order that they be printed in the RECORD prior to the adoption of any of these amendments I have just presented.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Thursday, September 14, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 2006:

DEPARTMENT OF STATE

FRANK BAXTER, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

THE JUDICIARY

THOMAS M. HARDIMAN, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE RICHARD L. NYGAARD, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. STEPHEN G. WOOD, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. EVAN M. CHANIK, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL K. LOOSE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. KEVIN J. COSGRIFF, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DENNIS R. HAYSE, 0000
RODNEY PHOENIX, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

JAMES M. CAMP, 0000
CATHY E. LEPPIAHO, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROBERT J. ARNELL III, 0000
RUSSELL J. LONG, 0000
MITCHELL K. MEDIGOVICH, 0000
VALMORE G. VIGUE, 0000
WILLIAM J. WALKER, 0000
DAVID A. WHITE, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES M. FOGLEMILLER, 0000
TIMOTHY E. GOWEN, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MICHAEL L. JONES, 0000

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

NEELAM CHARAIPOTRA, 0000
DONNIE HOLDEN, 0000
WILLIAM PHILLIPS, 0000
DOUGLAS POSEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

SANDRA E. ROPER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GARY W. ANDREWS, 0000
WILLIAM B. CARTER, 0000
ROBERT R. DAVENPORT, 0000
ALEXANDER D. DEVORKIN, 0000
STEVEN C. FRONIABARGER, 0000
JAMES G. HAY, 0000
JAMES ILKU, 0000
JAMES L. JAWORSKI, 0000
JAMES E. MIDYETTE, JR., 0000
MICHAEL P. MISHOE, 0000
JOSELITO D. OLEGARIO, 0000
ANGEL L. PEREZ, JR., 0000
CHRISTOPHER B. RIVERS, 0000
CURT R. SALVESON, 0000
FREDERICK J. SCHWARZ, 0000
STEPHEN D. TABLEMAN, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C.,SECTIONS 531 AND 3064:

To be colonel

JOSEFINA T. GUERRERO, 0000
HARRY A. SNOWDY, 0000

To be lieutenant colonel

WILLIAM BALDINO, 0000
KENDALL R. CLARK, 0000
BILLY H. HAMPTON, 0000
STEPHEN H. KOOPMEINERS, 0000
KERWIN J. LEBEIS, 0000
JOHN E. MANOS, 0000
DAVID F. MCKEE, 0000
WILLIAM A. OMOHUNDRO, 0000
JOHN S. PETERS, 0000
GEORGE J. SMITH, 0000
ROBERT W. STEWART, 0000
JOHN W. WATSON, 0000

To be major

JOON H. CHONG, 0000
ANDREW CHONTOS, 0000
JOSEPH A. DELUCIA, 0000
KEVIN DOWNES, 0000
BRETT J. HAMPTON, 0000
ROBERT E. JESCHKE, 0000
WILLIAM LEFKOWITZ, 0000
KENNETH M. LIEUW, 0000
JEFFREY J. LUNN, 0000
RICHARD V. MAZZAFERRO, 0000
ROBERT J. MCMILLAN, 0000
SUZIE T. NEMMERS, 0000
ROBERT J. OCONNELL, 0000
RAPHAEL SEMIDIE, 0000
WILLIAM P. SMITH, 0000
EDWARD L. STAMARIA, 0000
ROBERT D. SWIFT, 0000
MARY ZACHARIAKURIAN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

WANG S. OHM, 0000

To be commander

JAMES F. DORAN, 0000
ROBERT T. GERSTNER, 0000
FERDINAND G. HAFNER, 0000
JONATHAN C. HOLSINGER, 0000
ALEXANDER C. LEVY, 0000
TOM G. MURRAY, 0000
MARCOR B. PLATT, 0000
DANIEL E. SCANGO, 0000
MICHAEL R. TROVATO, 0000

To be lieutenant commander

STEVEN D. GOVER, 0000
DANIEL T. HENNING, 0000
DANIEL R. JUBA, 0000
HAI T. NGUYEN, 0000
CHATCHAVAL PONGSUGREE, 0000
CHARLES F. PRATT, 0000
MARGARET A. ROBERTSON, 0000
CYNTHIA J. RODRIGUES, 0000
VIKTORIA J. ROLFF, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, September 13, 2006:

EXECUTIVE OFFICE OF THE PRESIDENT

BERTHA K. MADRAS, OF MASSACHUSETTS, TO BE DEPUTY DIRECTOR FOR DEMAND REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY.

PEACE CORPS

RONALD A. TSCHETTER, OF MINNESOTA, TO BE DIRECTOR OF THE PEACE CORPS.

DEPARTMENT OF STATE

JOHN C. ROOD, OF ARIZONA, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL SECURITY AND NON-PROLIFERATION).

CESAR BENITO CABRERA, OF PUERTO RICO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

MARY MARTIN OURISMAN, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ST. KITTS AND NEVIS, SAINT LUCIA, ANTIGUA AND BARBUDA, THE COMMONWEALTH OF DOMINICA, GRENADA, AND SAINT VINCENT AND THE GRENADINES.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

GEORGE E.B. HOLDING, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

EXTENSIONS OF REMARKS

HONORING STANFORD NEWMAN

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Stanford Newman, a man who transformed the Tampa Bay community and the cigar industry during his more than 70 years as head of the J.C. Newman Cigar Co., based in Ybor City.

Son of a Hungarian immigrant, Stanford worked in the family business alongside his father, and then his two sons, and built J.C. Newman Cigar Co. into one of the largest manufacturers and distributors of cigars. The company, which owns Cuesta-Rey and Diamond Crown Cigars, is recognized by cigar aficionados across the globe.

Even at 90 years old, Stanford continued to go to work 5 days a week, serving as chairman of the company. During his tenure, Stanford successfully guided his company through tremendous changes in the cigar industry, most notably, the Cuban embargo, which forced Newman to abandon the use of the Cuban tobacco leaf in their cigars. Not only did Stanford rise to meet this and many other challenges, but he went on to see his business flourish in the 1970s, when his Cuesta-Rey #95 cigar became the largest selling premium cigar in the nation.

Stanford's leadership did not stop at the company doors. He served as President of the Cigar Manufacturers Association of Tampa for more than 20 years and Board member of the Cigar Association of America for more than 56 years. His success and contributions earned him the 2001 Ernst and Young Florida Entrepreneur of the Year title and induction into the Cigar Aficionado's Hall of Fame.

Fortunately for the people of Tampa Bay, Stanford was not just a cornerstone of the cigar industry—he was a cornerstone of our community as well. Stanford dedicated his time, talent, and money to improving this community in countless ways.

He served as board member of the Tampa Chamber of Commerce and Second National Bank of Tampa. Stanford was a member of the board of trustees at Congregation Schaarai Zedek, a longtime member of Tampa's Rotary Club and a Paul Harris Fellow. He was one of the founders of the Ybor City State Museum, treasurer of the Berkeley Preparatory School and president of the Dad's Club. In addition, Stanford served as longtime director of the Latin America Fiesta and was a member of the Ye Mystic Krewe of Gasparilla, as well as a number of Tampa's social organizations.

It is particularly fitting that Stanford continues to serve his fellow man in death as he did in his long, rich life. Stanford donated his liver to a transplant patient upon his passing.

Mr. Speaker, Stanford Newman was an icon in the cigar industry and in Tampa Bay. His contributions to our community's economy and culture will leave a lasting impression. On behalf of the entire Tampa Bay community, I extend my deepest sympathies to his family.

TRIBUTE TO KANSAS AFL–CIO EXECUTIVE SECRETARY-TREASURER JIM DEHOFF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise to commend Jim DeHoff, who is retiring after almost 20 years as Executive Secretary-Treasurer of the Kansas AFL–CIO.

Mr. DeHoff has served as Executive Secretary-Treasurer of the Kansas AFL–CIO since 1987. Previously, he served as Vice-President of the Kansas State Pipetrades Association, and served on the Lawrence Central Labor Council and the State of Kansas Apprenticeship Council.

Throughout his career, Mr. DeHoff was committed to the working families of Kansas, and to providing them with a safer workplace, job opportunities and health care.

In recent years, Mr. DeHoff worked tirelessly to unite all working men and women and to resolve some of the divisions among various labor organizations.

Working families in Kansas owe much to Jim DeHoff for the opportunities and benefits they now enjoy. All of Kansas is a better place to live and work thanks to the efforts of men like Jim.

I wish Jim the very best in a retirement well earned and deserved.

IN HONOR OF VENTURA COUNTY SHERIFF BOB BROOKS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. GALLEGLY. Mr. Speaker, I rise to honor my good friend, Bob Brooks, Sheriff of Ventura County, California.

Sheriff Brooks will be honored this Saturday at the Southeast Ventura County YMCA Leadership Award Banquet. The theme for the evening is "Touching Lives, Creating Peaceful Communities." They couldn't have picked a better theme with which to honor Bob Brooks. He is a dedicated husband and father, professional law enforcement executive, and community leader.

Bob Brooks is a 45-year resident of Ventura County and a 33-year veteran of the Ventura County Sheriff's Department. He has served as the county's elected sheriff since June 27, 1998.

Under his guidance, Ventura County is routinely rated one of the safest counties in the United States, despite the challenges of a growing gang presence in some parts of the county and the ever-present threat of terrorism. He oversees 1,200 sworn and civilian employees, 2,000 volunteers, and a budget of $187 million.

Bob's success comes partly from a supportive community of 800,000 people, but also from his own dedication to law enforcement.

Having already earned a bachelor's degree in Public Administration and a master's in Organizational Management, Bob is now pursuing a master's in Homeland Security from the Naval Post Graduate School. He is also a graduate of the National Sheriff's Institute, the National Executive Institute, and the P.O.S.T. Command College, where he graduated with distinction.

Because of his knowledge, experience, and success, Bob is in demand as a speaker at symposiums and seminars, has taught at colleges and universities, and has published articles in law enforcement, Department of Defense, and educational publications.

In his spare time, he serves on the Board of Directors of several professional, educational, and charitable organizations, including the YMCA, past president of the Ventura County Boy Scouts of America, and Executive Board memberships for the California State Sheriffs' Association and the Major County Sheriffs' Association.

Sheriff Brooks is also an honorary Rotarian and attends Sonrise Christian Fellowship. Bob and Debbie have been married 36 years and have two grown sons. In keeping with Bob's example of serving his community, Jeff is employed by the Ventura Police Department and Brian by the County of Ventura.

"Touching Lives, Creating Peaceful Communities." That's Bob Brooks. Mr. Speaker, I ask my colleagues to join me in congratulating Ventura County Sheriff Bob Brooks on this most deserved honor.

TRIBUTE TO JOHN B. DEAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge John B. Dean, Chief of Police of the Waterford Police Department, upon his retirement from a distinguished career in public service.

From a young age, Chief Dean dedicated his life to protecting the citizens of Michigan. At age 15, he enrolled as a cadet in the Waterford Police Department before enlisting in the United States Marine Corps. Following his military service, Chief Dean first joined the Detroit Police Department before returning to Waterford in 1975, where he continued his career in law enforcement. Over the next three decades, Chief Dean advanced through the ranks of the Waterford Police Department, eventually serving as a Patrol Officer, Undercover Officer, Patrol Sergeant, Detective Sergeant, Youth Liaison Officer, Patrol Lieutenant,

and Detective Bureau Commander. In January of 2000, he was promoted to Chief of Police.

A Central Michigan University alumnus and graduate of the F.B.I. National Academy, Chief Dean also served on the Police and Fire Pension Board of Waterford Township, Board of Directors of the Boy Scouts of America, Board of Directors of the Oakland County Chiefs of Police, the State Police Advisory Board, and as Treasurer of the Michigan Association of Public Employee Retirement Systems. For his tireless service to the community, Chief Dean has been recognized with the Officer of the Year Award; the Medal for Bravery; the Meritorious Service Award; and was named Waterford Employee of the Year.

Mr. Speaker, for 31 years, Chief John B. Dean has unwaveringly upheld his oath to protect and defend the citizens of Michigan. As he enters the next phase of his life, he leaves behind a legacy of dedication, honor, and courage. Today, I ask my colleagues to join me in congratulating Chief Dean upon his retirement and recognizing his years of loyal service to our community and our country.

TRIBUTE TO GERALDINE BARNES

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Geraldine Barnes, a tireless activist in the West Tampa community, who lost her battle with colon cancer last month.

A Middleton High School and Hillsborough Community College graduate, Geraldine dedicated her life to helping improve her community. She worked for Hillsborough County as a community organization specialist for 36 years, served on the Tampa Housing Authority board for more than a decade, helped initiate the West Tampa Community Development Corp. to drive the rehabilitation of West Tampa, and worked at the West Tampa Neighborhood Service Center, providing services to low-income residents.

Young or old, Geraldine served anyone in need, always with a focus on strengthening her community, improving opportunities for its residents and giving the people of West Tampa a voice. Even throughout her struggle with cancer, Geraldine continued to volunteer her time and her strength.

We all owe a debt of gratitude to Geraldine Barnes, not only for her tireless efforts on our behalf, but also for the example she has set for all of us to follow. On behalf of the Tampa Bay community, I extend my deepest sympathies to Geraldine's family.

THE PRAIRIE ROSE CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION SALUTES CONSTITUTION WEEK

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. MOORE of Kansas. Mr. Speaker, the week of September 17–23 has been officially designated as Constitution Week. This marks the 219th anniversary of the signing of our Constitution.

The guardian of our liberties, our Constitution established our republic as a self-governing nation dedicated to rule by law. This document is the cornerstone of our freedom. It was written to protect every American from the abuse of power by government. Without that restraint, our founders believed the republic would perish.

The ideals upon which our Constitution is based are reinforced each day by the success of our political system to which it gave birth. The success of our way of government requires an enlightened citizenry.

Constitution Week provides an opportunity for all Americans to recall the achievements of our founders, the nature of limited government, and the rights, privileges and responsibilities of citizenship. It provides us the opportunity to be better informed about our rights, freedoms and duties as citizens.

Mr. Speaker, at this time I particularly want to take note of the outstanding work of the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution, which is actively involved in the Third Congressional District in events this week commemorating Constitution Week. The Prairie Rose Chapter has been involved with this effort in our communities for a number of years and I commend them for doing so.

Our Constitution has served us well for over 200 years, but it will continue as a strong, vibrant, and vitafoundation for freedom only so long as the American people remain dedicated to the basic principles on which it rests. Thus, as the United States continues into its third century of constitutional democracy, let us renew our commitment to, in the words of our Constitution's preamble: "form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity. . . ." I know that the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution joins with me in urging all Americans to renew their commitment to, and understanding of, our Constitution, particularly during our current time of crisis, when Americans are fighting overseas to defend our liberties here at home.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. GALLEGLY. Mr. Speaker, I was unable to make the following rollcall votes on September 7, 2006:

H. Res. 981, Providing for the consideration of 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 (rollcall vote 430). Had I been present, I would have voted "aye."

On Agreeing to the Goodlatte of Virginia Amendment to H.R. 503 (rollcall vote 431). Had I been present, I would have voted "nay."

On Agreeing to the King of Iowa Amendment to H.R. 503 (rollcall vote 432). Had I been present, I would have voted "nay."

H.R. 503, On Passage of the Horse Protection Act (rollcall vote 433). Had I been present, I would have voted "aye."

H.R. 5122, On Motion to Instruct Conferees on the National Defense Authorization Act for Fiscal Year 2007 (rollcall vote 434). Had I been present, I would have voted "nay."

H.R. 5122, On Closing Portions of the Conference P National Defense Authorization Act for Fiscal Year 2007 (rollcall vote 435). Had I been present, I would have voted "aye."

TRIBUTE TO JUSTO "BILL" NORIEGA

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Justo "Bill" Noriega, of Brandon, Florida, a pharmacist and family businessman who dedicated his life to helping his customers and his community.

Born in Ybor City, Bill earned his pharmacy degree at the University of Florida, graduating with high honors. Bill set up shop in the heart of Brandon, founding Bill's Prescription Center 50 years ago and working there until his cancer forced him to stay home.

Even in the face of growing competition, Bill's Prescription Center continues to be one of Brandon's longest-operating family businesses because of Bill's dedication to his customers. Bill took time with everyone who walked through his door—carefully listening to their concerns and patiently answering their questions—and he was known for helping patients who were unable to pay for their prescriptions. Always a servant to the community, Bill made sure his business continued delivering medicines to homebound customers, and his generosity extended beyond the pharmacy doors through his support of numerous community organizations.

On behalf of the entire Tampa Bay community, I would like to extend my deepest sympathies to the Noriega family. Bill was a role model for all of us, and I know that under his son John's watch, Bill's legacy of service will continue at Bill's Prescription Center.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. PRYCE of Ohio. Mr. Speaker, on the legislative day of Tuesday, September 12, 2006, the House had a vote on rollcall 437, H. Res. 175, recognizing the importance of establishing a national memorial at the World Trade Center site to commemorate and mourn the events of February 26, 1993, and September 11, 2001. I would have voted "yea."

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. GRAVES. Mr. Speaker, on Thursday, July 13, 2006, I had to tend to some family

matters and thus missed rollcall votes Nos. 370, 371, 372, 373 and 374. Had I been present, I would have voted "yea" on all votes.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. CARSON. Mr. Speaker, I was unable to record my rollcall votes 436 and 437. Had I been present, I would have voted "yea" on votes: roll No. 436 and roll No. 437.

IN HONOR OF SANTA CRUZ COUNTY DOMINICAN HOSPITAL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. FARR. Mr. Speaker, I rise today to congratulate Dominican Hospital on 65 years of high quality, passionate, and kindhearted healthcare in Santa Cruz County. Created by six Dominican Sisters from Adrian, Michigan, the Catholic hospital was duly named "Sisters Hospital." Today, the hospital continues to approach the healthcare needs of the region by partnering faith with scientific innovations.

Since its inception in 1941, "Dominican Santa Cruz Hospital" has consistently delivered comprehensive and modern medical care for the county. Part of the compassionate mission of Dominican Hospital is to "improve the health of the people of the greater Santa Cruz area, without distinguishing by race, creed, or source of payment . . ." The hospital is known for partnering with other healthcare providers in order to improve the quality of life for those who are less fortunate.

In 1951, "Sisters Hospital" became aware of the ever growing needs within the community for a comprehensive healthcare institution. Due to this realization, the hospital decided to expand its services and obtain a new location. The hospital acquired its Soquel Avenue location and renamed itself, Dominican Santa Cruz Hospital.

In 1984, Dominican Santa Cruz Hospital, in a partnership with the County of Santa Cruz, agreed to provide the first inpatient mental health services program in the county. This was in response to the ever growing needs the hospital saw emerging within the community. Dominican Hospital, time and time again, proves its love for the community by constantly evaluating and reacting to the needs of the people, and I am very grateful to them.

The hospital again expanded its services in 1988. It introduced the county to its first cardiac program. It also created Dominican Oaks, an assisted and independent living community, providing 206 residents with comprehensive medical support. Dominican also joined forces with Catholic Healthcare West, a hospital system of similar values and visions with locations throughout California, Arizona, and Nevada.

Dominican Hospital now serves about 150,000 patients annually, has birthed over 75,000 children, and currently counts 379 beds on two campuses. The medical specialties available at the hospital are numerous. They include, but are not limited to, complete Emergency Services, a renowned Intensive Care Service, the only Level 2 and Level 3 Neonatal Intensive Care Nursery in the county, Behavioral Health Services, and an array of outreach services, and educational options focusing on community needs and healtb prevention.

PERSONAL EXPLANATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, during an absence yesterday, I regrettably missed rollcall votes 436–437. Had I been present, I would have voted in the following manner: rollcall No. 436: "yea" and rollcall No. 437: "yea."

AMERICAN HORSE SLAUGHTER PREVENTION ACT

SPEECH OF

HON. JEB HENSARLING

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. HENSARLING. Madam Chairman, sometimes in the House of Representatives, we debate and vote on emotional issues. H.R. 503 is certainly one of those issues, and I understand that those who support it hold strong opinions. Having grown up working on a farm and both owning and riding a horse, I do not relish the idea of them being processed for meat. It is something I personally do not care to do.

But this bill is not about whether we are a Nation of horse lovers. It is a bill about whether we are a Nation of freedom lovers. We are presented with a simple question of freedom, namely: will we grant the Federal Government the power to tell livestock owners and family farmers what they can do with their livestock?

Freedom in America often means having to tolerate actions to which we are personally opposed. To protect our freedoms we must first respect our neighbor's freedoms. For instance, I personally abhor smoking and wish every tobacco company in the country would find something else to do or cease to exist. But I will not support legislation outlawing the production and marketing of tobacco products, and I will not support legislation outlawing the use of tobacco products as long as such use does not infringe on my rights or those of my fellow citizens. I would vigorously fight efforts on this floor to regulate them out of business or prohibit them from operating in the United States. I believe there is an extremely high standard that must be met before we restrict the historic freedoms of our fellow citizens. This bill does not even come close to meeting that test.

Those in favor of this bill make a number of arguments as to why we must ban the processing of horses. Though on the surface some of these arguments may be compelling, noticeably absent from any of them is a scientific, health, or safety argument. In fact, the primary reason that proponents of H.R. 503 offer is that we should not process horses simply because, well, they are horses. Clearly, this argument is anything but scientific, and I suspect the cattle in America may be upset with the prejudice.

Some supporters of this bill argue that we must give special protection to the horse because of its prominent place in the heritage of the American West. Well, do not cattle have an even greater place in the heritage of the American West? Yet we use that animal to protect our feet with shoes and nourish us with beef. How is the horse different? Also, I note that those who we celebrate in the history of the West were known as cowboys, not horseboys. Again, how is the horse different? I further note the lobster has a prominent place in the heritage and history of Maine, but I doubt that people of that state would argue that we should stop harvesting it commercially because of its legacy.

Proponents of H.R. 503 will try to convince us that owners who sell their horses in auctions unknowingly sell them to representatives of the processing facilities, with no knowledge that the horse would be processed. Common sense tells me that if these sellers don't want their horses sold for processing, they would not sell them at high bidder auctions. But, if this is indeed a serious problem, Congress could simply pass legislation requiring that horse auctions make all sellers aware that their animals could potentially be bought for processing. Simple disclosure laws will render that argument moot.

Some will claim that horse processing needs to be banned because the horses suffer during transport and the slaughter process and others will claim that horse processing encourages horse thievery. The former is not based in fact. With respect to the latter, just because cattle rustling has been around since the birth of the Republic does not mean we should outlaw the processing of cattle. The same is true of horses. Current federal laws require that horses must be transported and processed humanely, just like cattle. Both of these arguments raise the issue of enforcement. Thus, the solution is to enforce current federal law, not pass a new, draconian one.

While proponents of H.R. 503 have many arguments about why this process needs to be banned, they remain silent about the unintended consequences of this bill. I believe chief among those unintended consequences is that horse owners will not have a humane option to dispose of a horse that is either unwanted or unable to be cared for. In 2005, around 90,000 horses were processed in the U.S. If there was another viable option for these horses, clearly they would not have been sent to the processing facility. This is particularly true for a number of struggling family farmers. If this bill were to become law, it would mean that when a working horse is at the end of its useful life, it will turn into a liability instead of an asset for the family farmer. No one should come to this floor bemoaning

the plight of the family farmer and vote for this bill.

Another unintended consequence is the precedent that we set by prohibiting the processing of livestock for any compelling reason other than we don't think it should be processed. This is a slippery slope issue. As a Congressman who represents a district where—in some counties—the cattle overwhelmingly outnumber the people and more importantly provide a living for many of my constituents, I am particularly fearful that one day a similar movement will make the argument that cattle are no longer appropriate for processing for human consumption. While it may seem far fetched, with passage of H.R. 503, we will have set a precedent that it is permissible for Congress to ban the processing of livestock for non-scientific and non-health reasons, providing those who wish to ban the processing of cattle a legal leg to stand on with either Congress or the Courts.

However, my opposition to H.R. 503 does not mean that I am not mindful of the concerns of those who live near a horse processing plant. In fact, I am extremely mindful of these people because some of them are my constituents, as I have the privilege and honor of representing the people of the City of Kaufman in Congress, which is home to one of the three horse processing plants. I believe that most of my constituents in Kaufman who are in favor of H.R. 503 are in favor, not so much because they believe Congress should criminalize horse processing, but because it means a plant in their backyard that they do not like will be closed. Many believe it is a public nuisance and a strain on the city's infrastructure. I certainly understand those reasons for supporting H.R. 503 more than those offered by Members who do not have one of these plants in their district. However, those reasons fall under the purview of local government, not the federal government.

That is why I am respectful of the decision made by the City of Kaufman and its zoning commission to order the plant closed due to it being a public health hazard. However, I do not believe that Congress should be exercising its authority and infringing upon freedom by passing H.R. 503, simply because of the City of Kaufman's bad experience with the horse processing plant. There might be a community out there that would welcome a horse processing plant and the jobs it could bring, even with the potential negative aspects associated with such a facility. Passing H.R. 503 would take the decision as to whether or not to allow a horse processing facility away from local, elected officials, and keep a local community from welcoming a plant and its jobs.

There is no doubt that a horse is a wonderful animal. For those who do not wish to process a horse, no one is forcing them to do so. In the end, I believe that it is more important to protect the freedom of livestock owners to humanely decide the fate of their livestock than it is to surrender to emotion and ban the processing of horses. This is America. We should love horses but we should love freedom even more.

TRIBUTE TO ROBERT L. COLE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. LEVIN. Mr. Speaker, I rise today to honor the career of Robert L. Cole upon his retirement as the president of Peoples State Bank located in Madison Heights, Michigan.

Bob Cole has served as president of the Peoples State Bank for 10 years during which time this community bank grew from $202 million in assets and 5 branches into a vibrant financial institution with $500 million in assets and 12 branches in the southeast Michigan area.

Under Mr. Cole's leadership, the bank has played a major role in the local community. When a fire destroyed the municipal garage of Madison Heights in 2003, the bank donated $5,000 for a portion of the destroyed equipment. The bank extended loans to non-profit organizations in the Detroit area assisting young people to obtain marketable work skills, provided loans to a non-profit community organization for building improvements to its Head Start program as well as donated over $100,000 to various organizations that support affordable housing, low-income health care, food banks, homeless shelters, and small business development centers.

Bob Cole's career tracks the development of community banking in Michigan. Born in Howell, Michigan, and raised on a family farm, he graduated from Western Michigan and went to work as a banker in Fenton. In 1974, he became president of the First National Bank of Fenton. In 1987, he became president of the State Bank of Fenton and took it from $62 million in assets to $225 million. In 1996, he joined Peoples State Bank as president and CEO. In that role he modernized the institution, grew the bank into new communities, at the same time deepening the commitment of Peoples to serve the ethnic and small business markets of the Detroit Metropolitan area.

Bob Cole was attracted to community banking because of his strong sense of community. His involvement includes: past president of the Fenton Chamber of Commerce, Kiwanis, board of governors of the Fenton Community Center, Fenton Community Foundation, Madison Heights and Hazel Park Chambers of Commerce, past president and board member of the Michigan County Bankers, member of the Michigan Association of Community Bankers, and the Michigan Bankers Association. He is a recipient of the City of Fenton ''Man of the Year'' award.

Mr. Speaker, the residents of the 12th Congressional District have benefited from the leadership of Bob Cole in the field of community banking and I rise to pay tribute to his career and wish him good health and much happiness in his retirement.

HONORING FATHER JOSEPH WEITENSTEINER

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to recognize Father Joseph Weitensteiner in honor of his retirement after almost 50 years of service to the Morning Star Boys Ranch. Through his dedication to the Morning Star Boys Ranch, and the greater Spokane community, nearly 1,300 boys have benefited from the care and oversight he has given them through the services offered by the ranch.

Father Weitensteiner's career began in 1957 when he became the ranch's first counselor. After completing studies for the priesthood, Father Joe was ordained on May 14, 1966, and was soon named Morning Star director. As director of the Morning Star Boys Ranch, many recognized Father Joe as the reason why the ranch has earned an excellent reputation for turning around the lives of hundreds of young men.

Throughout his five decades of service, Father Joe has not only been recognized for his leadership by his colleagues and Morning Star alumni, but has also been honored by numerous civic, educational, legal, and child care entities.

Mr. Speaker, I rise today to acknowledge Father Joseph Weitensteiner for his leadership in our community and to thank him for the significant role he has played in mentoring and leading the many young men who have lived at the Morning Star Boys Ranch. I invite my colleagues to join me in congratulating Father Joe as he celebrates nearly 50 years of exceptional service to our community.

HONORING JEFFREY MESTON

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. WOOLSEY. Mr. Speaker, I rise with pleasure today to honor Jeffrey Meston, one of our community's heroes. He is retiring as Chief of the Fire District in Novato, California, where his service to both the department and community has been an inspiration to all who worked with him.

Jeff started his career in 1976, working 10 years in Corte Madera and 20 in Novato. He became Chief of the Novato Fire District in 1999. His commitment to the community, to professional excellence, and to all firefighters is evident in his work. Locally, he has been president of the Marin County Fire Chief's Association and the Rotary Club of Ignacio as well as Treasurer of the Novato Chamber of Commerce. On the State level he serves as the chair of the Legislative Task Force and an Area Director for the Fire Districts Association of California and the Training Section Chief for the California Fire Chiefs Association. He is also nationally recognized as a course developer and speaker.

If you could hear him speak, as I have, you would understand why he is in high demand. In November, 2003, Jeff organized a moving memorial service for one of his own, Steve Rucker, a Novato firefighter killed battling wildfires in Southern California. He then related how he had taken Steve under his wing and added, ''Steve was probably the most genuine, decent and straightforward human being I've ever known. There were never any hidden agendas with Steve—qualities which made him easy to tease, but easy to love like a brother . . . I never knew anyone who wanted to be a firefighter as much as Steve. Steve lived and breathed his dream.''

After Rucker's death, which may have been caused by lack of communication with State firefighters, Jeff advocated for better systems to prevent such tragedies in the future. ''Rarely a day goes by when we don't think of him (Steve),'' he says.

One of Jeff's proudest accomplishments is the development of a new operating culture called ''Novato Way'' which asks district personnel to go out of their way to provide superior customer service, from rescuing cats to passing the hat for a resident in need of a boost. The department gives back to the community in many ways and enjoys broad support in return.

Jeff holds a Masters Degree in Public Administration, is a State Certified Fire Chief, and has completed his Chief Fire Officer Designation by the International Association of Fire Chiefs. He also helped Fireman's Fund Insurance Company craft its Fireman's Fund Heritage program which awards millions of dollars in grants to fire departments and fire and burn prevention organizations across the country each year. Jeff continues his involvement, serving on the Heritage Advisory Committee, along with other national leaders in the fire service, to provide strategic guidance for the program.

Mr. Speaker, Jeff Meston says he plans to travel in retirement—and write a fire science textbook. His experience will make the textbook an important resource, and his deep appreciation for the job our firefighters do will make it invaluable. Jeff is definitely one of my heroes.

INTRODUCING A CONCURRENT RESOLUTION RECOGNIZING THE INDEPENDENCE OF THE COURTS OF THE UNITED STATES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. STARK. Mr. Speaker, I am proud to introduce a Concurrent Resolution recognizing the independence of the courts of the United States, which I authored in response to recent ''court-stripping'' bills such as the Pledge Protection Act and the Marriage Protection Act of 2004. These bills threaten the foundation of American government by stifling productive discussion of social issues and undermining our system of checks and balances.

As explained in the resolution, the function of the Judiciary is to review the constitutionality of laws. It is thus undemocratic and blatantly partisan to use a procedural trick to protect certain legislation from being questioned in court. Not only does this indirectly violate the Constitution by devaluing the Judicial Branch, it also renders the entire document meaningless since constitutionality is no longer a standard by which all laws must be judged.

Moreover, as courts become functionally irrelevant when faced with certain Acts of Congress, minorities have no recourse and cannot challenge oppressive laws. The view endorsed by ''court-stripping''—that a legislative vote constitutes the whole of American democracy—is myopic because it ignores that the Constitution guarantees certain rights to all, regardless of the whims of the majority. These rights must be protected by the Judiciary. I am sure my colleagues agree with me that the popular choice is not always the right one, and that a Congressional majority is not the arbiter of universal truth.

Discrepancies between Acts of Congress and the Constitution can always exist, so a body is necessary to adjudicate conflicts between the two sets of laws. Because courts fill this vital role and maintain American democracy, I strongly urge all of my colleagues to support this important legislation.

TRIBUTE TO RABBI SOLOMON SCHIFF OF MIAMI

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise to honor Rabbi Solomon Schiff who, after more than 40 years of public service, interfaith cooperation and community achievement will be retiring from his leadership positions with the Greater Miami Jewish Federation.

By any standard, Rabbi Schiff has had a remarkable career. He has served as Executive Vice President of the Rabbinical Association of Greater Miami for 42 years and as Director of Chaplaincy for the Greater Miami Jewish Federation.

He has served as Chairman of the Dade County Community Relations Board, as President of the National Association of Jewish Chaplains and as Director of Chaplaincy for Mount Sinai Medical Center.

Throughout his career, Rabbi Schiff has been honored for his dedication and community leadership. He has been awarded the Distinguished Community Leadership Service Award from the National Conference of Community and Justice and the Peacemaker Award from St. Thomas University. Rabbi Schiff received these awards for his efforts to develop an open dialogue between the Christian and Jewish communities in the Miami area. Rabbi Schiff was recognized as the ''2005 Man of the Year'' by the Men's Club of Douglas Gardens and has received a Special Recognition from the Founders of the Miami Jewish Home and Hospital for the Aged at Douglas Gardens.

Rabbi Schiff also has made great contributions to the community through his service. He was appointed by President George H.W. Bush in 1992 to serve on the ''We Will Rebuild Committee.'' This committee helped restore the areas in South Florida that were severely damaged by Hurricane Andrew. Lawton Chiles, the late Governor of Florida, appointed Rabbi Schiff to serve on a task force to study the problem of homelessness in Miami. Thanks to that task force, two new homeless assistance centers were created in Miami-Dade County. More recently, Florida Governor Jeb Bush appointed him to the Governor's Faith-Based Advisory Board.

Rabbi Schiff also has served as a guest chaplain for the United States Senate in July of 1999 and for the United States House of Representatives on several occasions.

We pay tribute to him for his service and thank his wife, Shirley, his three grown sons, Elliot, Jeffrey and Steven, and their seven grandchildren for sharing him with a grateful community. Mr. Speaker, Rabbi Schiff has set a high standard of service for us all. I wish him happiness and success in the future.

TRIBUTE TO WILLIAM OSKAR GOGGINS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor William Oskar Goggins for the kindness and influence he showed the world during his 43 years here.

Billy was born at St Mary's Hospital in San Francisco, CA on Sunday, May 10, 1963—on Mother's Day. He was the first child of Patrick & Ute Goggins, both very well-known and respected individuals in the Bay Area and beyond.

From the hospital he was carried right into a civil rights demonstration in Golden Gate Park. Billy took his first trip to Ireland at 4 years old to meet his family relatives in the west of Ireland in County Mayo. Annual family trips by car to Montana & Dakota included reunions in the Bear's Paw Mountains, hi-balling on the Iron Road, the old Great Northern Railway and running brave with Chippewa, Cree, Blackfoot and Sioux Indian friends. The Goggins' adventured on two-month road trips to Baja and the Pacific Coast of Mexico where mother Ute painted, and sisters Cathy & Aimee followed in Bill's energetic footsteps. Billy toiled in family vineyards in Germany with equally embracing relatives. These things were the soul of his education.

Over the years Bill played soccer, drew cartoons, tutored younger students from Mill Valley and Marin City, played volleyball at Stinson Beach, surfed in Bolinas, and much much more. He graduated from Tamalpais High School as a National Merit Scholar and Salutatorian.

Summer jobs were at Bancroft-Whitney legal publishers, San Francisco and Wausau Paper Mill, Wisconsin. He worked at numerous restaurants including the Book Depot Cafe and Avenue Grill in Mill Valley, and Embarko in San Francisco. He also volunteered at St. Anthony Dining Room in the Tenderloin, providing free meals for the homeless.

Bill attended Georgetown University School of Foreign Service and San Francisco State University, Departments of Communication and Philosophy. He began his vital journalism career with Frisko Kids, KALW radio, and then moved on to the old SF Weekly.

Former SF Weekly editor and colleague Andrew O'Hehir remembers, ''Of course he worked harder than anyone and became essential, and in three years moved from all-purpose intern to copy editor to running the Arts & Entertainment section. I can't remember exactly when he became the go-to guy for headline copy, but I'd say that by the time he'd been there a year, he was writing half the heads in the paper.''

Bill thrived at Wired for 10 years. He started as a freelance copy editor and rose to become deputy editor. Bill served as a special link between the digital industry's pace-setting magazine in the center of San Francisco's media gulch and an eager, educated national and international readership. His colleagues admired him tremendously.

"Bill was that rarest of things: a true original," says Chris Anderson, the magazine's editor in chief. "He was brilliant, witty and culturally omnivorous, all of which combined in his signature headlines. They usually worked on at least three levels of meaning, from some remixed cultural reference to at least one pun. In many ways his winking style and clever turns of phrase became Wired house style for nearly a decade, and to look at our covers and headlines over those years is to hear Bill's voice again."

Bill's voice also made its mark through the alternative dot-com generation's website Suck.com where he wrote under the name 'Bartelby'. Bill recently enjoyed writing and editing with the new magazine Todo, and they remember him not just as a logophile, a wordsmith, a gifted editor, a true friend; but also as "one who tirelessly pursues perfection, fraternity and goodness."

A real linguist (German, Spanish and Bill-English) and traveler—Bill visited Tunisia, the Philippines, Bahamas, Mexico, Canada, and all over the United States and Europe. He was a dual citizen of the U.S. and Ireland. Bill was a citizen of the world.

Bill was a San Franciscan through and through. He openly embraced and explored all of the city's neighborhoods. He was an avid supporter of the arts, with active memberships to many museums and regular attendance at the symphony, opera, ballet, varied theatres and clubs.

Bill participated with his family and compatriots in the antiwar demonstrations from the Vietnam era to Iraq of today.

My daughter, Amy Critchett, had the good fortune to be a friend with and to work with Bill at Wired for many years. "Bill Goggins made work seem like work—because it was and he was so incredibly good at what he did—but with him around there was always a twist of irony and a splash of curly-haired, smiling-cheeked sunshine not far away," according to Amy. "Get ready to laugh all you up there."

Bill inexplicably collapsed and passed away suddenly during mile 24 of the San Francisco Marathon Benefit for Cancer on Sunday, July 30, 2006. He was in fit condition and many knew him as a wonderful, companionable runner, reconciled, strong and happy.

An outpouring of hundreds from around the globe, representing family, friends, colleagues, public officials on local, state and national levels, ambassadors, the Irish and British governments, the Democratic party, and diverse cultural non-profit organizations attended a memorial mass held at our Lady of Mount Carmel Church and a life celebration at the Outdoor Art Club in Mill Valley on August 4, 2006. Billy was a deeply-loved member of a very close family. He supported all of them individually and together—helping hang his mother Ute's art shows, assisting his father Pat with community outreach via organizations such as the Irish Forum, Irish Mexican Association, and Irish Literary and Historical Society to name a few, being the proud uncle to sister Cathy's two children, Lina Rose and Dominic Chester, and showing up for sister Aimee's various work events or helping edit her writing.

Bill believed in justice, peace and humanity. He connected with people everywhere he went. No one and nothing escaped his keen eye and warm words. His sense of community was broad and all-encompassing. Bill was a man of grace. He chipped in for everyone.

He had old-fashioned manners, was a staunch listener and he gave of himself enormously. His roughish grin, sparkle in his eye and love of discussion and opinion will live on with us forever.

Mr. Speaker, Bill had enormous integrity and loyalty, and taught us all how to be total human beings. To be fearless, to be bold, to be true to yourself. To be both gracious and outspoken. To pursue what matters in life and cherish each other. Bill knew all of these things and helped us be them too. Bill lived his life and made all of us proud. He will be deeply missed by many.

INTRODUCING THE REMOTE MONITORING ACCESS ACT OF 2006

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. PICKERING. Mr. Speaker, we in this country, unfortunately, don't always do what's good for us. The benefits of a regular check up are well known, but for one reason or another millions of Americans will only visit their physician when they think something is serious enough that they feel they have no choice.

I can only imagine how the reluctance to visit a doctor is exacerbated for the millions of people in the United States with chronic conditions—such as diabetes, congestive heart failure and arrhythmia—who need to see their physicians on a regular basis. The situation is even worse for seniors who have difficulties moving around or lack the means or resources to make frequent trips to the doctor.

Government statistics show that maintaining mobility is a serious challenge for many seniors: Over 20 percent of people 65 and older have difficulty going outside the home; approximately 17 percent of men and 28 percent of women find it very difficult or are unable to walk just three city blocks; every 10 years after reaching the age of 65 the odds of losing mobility double.

People who live in rural areas can face serious health care consequences because of the lack of easily accessible services. One out of every five Americans lives in rural areas; however, only one out of every 10 physicians practices in rural areas. Forty percent of our rural population lives in a medically underserved area, with access to care an average of 30 miles away.

I'm proud to stand here as a lead sponsor of the Remote Monitoring Access Act of 2006 because I believe this legislation will promote technologies that have the potential to transform how health care providers and their patients—particularly seniors with chronic conditions—communicate and manage their conditions.

Remote monitoring technologies collect, analyze and transmit vital patient information to health care providers hundreds of miles away, allowing physicians to manage a patient's condition in a more consistent and real-time fashion. This technology can not only improve the quality of care given to patients, it also reduces the need for frequent visits to the doctor's office, costly emergency room visits, and unnecessary hospitalizations.

Remote monitoring technologies allow patients to be in constant contact with their doctors without leaving the comfort of their homes. For seniors who find travel difficult or hard to afford, this will provide welcome relief. Beyond improving quality of life, remote monitoring technologies also improve quality of care, as physicians will be able to more closely monitor their patients and, by receiving more up-to-date information, detect and treat their patients' conditions earlier.

Remote monitoring technologies will bring 21st century health care to every individual regardless of their location, mobility, or age. The expertise of physicians and specialists and the resources of health care institutions will no longer be limited by geographic location but can be harnessed to help many more patients.

Currently, Medicare payments are primarily provided for face-to-face meetings between physicians and patients. The current system offers no incentives for physicians to adopt remote monitoring technologies even though they may provide better clinical information and save physicians time.

In addition, the payments often do not pay for the clinician time involved in non-face-to-face interactions that are necessary for interpreting and responding to data received via remote monitoring technologies.

Consequently, the Medicare payments may not adequately reflect the value of patient management services involving remote monitoring technologies.

The Remote Monitoring Access Act of 2006 will fix this gap in the Medicare payment system. This bipartisan legislation would provide reimbursement under the Medicare physician fee schedule for remote patient management services used to manage specific medical conditions such as diabetes, cardiac arrhythmia, congestive heart failure and sleep apnea, as well any other condition the Secretary of Health and Human Services determines appropriate.

This bill also requires the HHS Secretary to develop standards of care and quality for the remote management services provided for each medical condition covered.

Cardiac arrhythmia, or abnormal heart rhythm, is just one of the chronic conditions that can be better managed through remote monitoring technologies. Cardiac arrhythmias affect more than five million people nationwide, and result in more than 1.2 million hospitalizations and 400,000 deaths each year in the United States atrial fibrillation, the most common form of cardiac arrhythmia, is also a leading indicator of stroke, with about 15 percent (or 105,000) of strokes occurring in people with atrial fibrillation.

The Remote Patient Monitoring Act will promote greater adoption and use of remote monitoring technologies so that patients suffering from cardiac arrhythmias, with their physicians, will be able to better manage this chronic condition.

I would like to thank my colleagues, Representative ESHOO, Representative HAYWORTH, and Representative TANNER, for joining with me to support this important legislation. I look forward to working with other Members of the House to ensure passage of this measure which will help millions of patients in the United States have better access to the latest medical technology and information.

REMEMBERING THE HEROES OF 9–11

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. PLATTS. Mr. Speaker, September 11, 2001 remains a day of both indescribable tragedy and awe-inspiring heroism in our Nation's mind. We mourn for the victims of the terrorist attacks that day, and keep their families in our prayers. But we also remember the heroism displayed by so many.

No one will forget, not ever, the courage seen on 9–11. Courage seen in the actions of firefighters and police officers, Pentagon employees, and everyday citizens. Courage seen by the choices these heroes made—to rush to the aid of others, to enter into burning buildings, to resist the hijackers of Flight 93. Many who work in the Capitol Building, both Members of Congress and staff, remember well that this symbol of democracy was most likely a target too—a target avoided only because of the heroes of Flight 93. We owe these heroes more than words can provide. We owe all these heroes more than words can provide.

We are fortunate that five years have passed without another terrorist strike on our own soil. We owe this to all those on the front lines of the War on Terror—in the military, law enforcement, and intelligence agencies. We should remember them, and their service, on this day too. We should ensure they are well-equipped, have the tools needed for their mission, and are properly recognized. They stand on the line for us—on behalf of life and hope, against an ideology that embraces death and hate.

The heroism of 9–11 is now part of what Lincoln called ''the mystic chords of memory.'' As time passes, the partisan disagreements of our day will fade into obscurity. But the heroism seen on 9–11 will not. Future generations of Americans, committed to the promise of a better world, united by the sacrifices of previous generations, will remember the heroes of September 11.

TRIBUTE TO DR. J. KENT MARLOR OF REXBURG, IDAHO

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. SIMPSON. Mr. Speaker, I rise today to pay tribute to Dr. J. Kent Marlor of Rexburg, Idaho. On August 24, 2006, Dr. Marlor retired from a 43 year career as a professor of Political Science at Ricks College and later Brigham Young University—Idaho.

Throughout his career, Dr. Marlor has proven himself to be a significant member of the academic community. His contributions have included detailed and important research and publications regarding the government's role in wildlife and public land management. Just as important as his intellectual contributions, Dr. Marlor has greatly contributed to the future of his students. He has been an advisor, guide, and most importantly a friend to countless students pursuing their educations. Due to Dr. Marlor's tireless concern for his students' wellbeing, many of them have gone on to a variety of successful careers in government, law, and education. In fact, several of his former students have been employed here on Capitol Hill and in other branches and departments of the government.

Dr. Marlor has positively contributed to the youth of Idaho not only through his teaching career, but also through his dedicated service in the Boy Scouts of America. For twenty-five years Dr. Marlor, an Eagle Scout himself, has selflessly served as a scoutmaster and on several scouting committees. For his devoted service, he has been awarded the prestigious Silver Beaver Award by the Boy Scouts of America.

Dr. Marlor's contributions have extended to Idaho's great natural environment as well. He has been a lifelong outdoor enthusiast and for many years has selflessly donated his time and efforts to conservation and wildlife management in Idaho. Dr. Marlor has served as a chairman on the Idaho Wildlife Council, the Idaho Fish and Game Advisory Committee, and he is currently the president of the Idaho Wildlife Federation. Due to his leadership in this field, Idahoans for generations to come can be ensured a continuation of Idaho's rugged outdoor legacy.

Mr. Speaker, I am proud to have such a distinguished and dedicated constituent residing within Idaho's 2nd Congressional District. It is dedicated educators and volunteers like Dr. Marlor that ensure the continued success of our great nation. His contributions have been immeasurable. Men like Dr. Marlor rarely rest, and I am certain he will continue to positively contribute to Idaho and the Nation in his retirement.

WELCOME TO PRESIDENT ROH MOO-HYUN OF THE REPUBLIC OF KOREA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. HYDE. Mr. Speaker, as you are aware, President Roh Moo-hyun of the Republic of Korea is scheduled to visit the United States from September 12–15, 2006, for a summit meeting with President George W. Bush. After meetings in Washington with President Bush and Members of the Congressional Leadership, President Roh will travel to San Francisco.

Mr. Speaker, recently I had the privilege of visiting South Korea and meeting with President Roh and other Korean officials, as well as with U.S. soldiers and members of the diplomatic community. The Korean people treated us with a warmth and hospitality, for which I am deeply grateful.

While in South Korea, I had an opportunity to lay a wreath in tribute to GEN Douglas MacArthur at his statue at Incheon harbor. The statue was erected by the citizens of the city of Incheon to commemorate the General's vital leadership during the Korean war, including his implementation of the daring landing at Incheon in the darkest days of the Korean war. In his farewell address before this Congress in 1951, General MacArthur said:

''Of the nations of the world, Korea alone, up to now, is the sole one which has risked its all against communism. The magnificence of the courage and fortitude of the Korean people defies description. They have chosen to risk death rather than slavery.''

Korea and the United States have been allies and friends for more than half a century. Our economic ties are strong. With a per capita income of $14,162, South Korea is the world's eleventh-largest economy and the seventh largest trading partner of the United States, with a trade volume amounting to over $72 billion each year. The United States and South Korea are currently engaged in negotiations that will lead to a U.S.-Korea Free Trade Agreement, which will further solidify and expand U.S.-Korean economic ties.

With a population of well over 1 million, the Korean-American community has become, in the past century, a vital and important part of the American mosaic. The greater Los Angeles area, with its vibrant Korean-American community, is now one of the world's centers of Korean culture. But Korean-Americans are not only found in California. From Hawaii, east to New York, and from Alaska down to Florida, Korean-Americans are making a critical contribution to the United States in such diverse fields as medicine, education, science, engineering, martial arts, small business enterprises, entrepreneurship, music and the fine arts. America has been enriched by the Korean-American community's many contributions, and its existence has bonded us even closer to the Korean peninsula across the Pacific.

It should come as no surprise, then, that the United States is also a popular destination for travelers from South Korea, whether they are coming here to visit their family members who have become part of the American community, attending U.S. colleges and universities, or meeting with business colleagues in the pursuit of greater trade and investment.

The U.S. consular section at our Embassy in Seoul is the busiest non-immigrant visa issuing post in the world, processing between 1,800 and 2,000 visa applications each day. It is clear that South Koreans want to visit the United States, and they have good reasons for doing so.

There are currently efforts underway to bring South Korea under the umbrella of the U.S. Visa Waiver Program, which already applies to 27 other countries, including the United Kingdom, France, Canada, and Japan. This program, established in 1986 with the objective of promoting better relations with U.S. allies, also eliminates unnecessary barriers to travel, stimulates the tourism industry, and permits the U.S. Department of State to focus consular resources in other areas.

The South Korean government has made it clear that it intends to meet all of the statutory and regulatory requirements of the Visa Waiver Program. Seoul is working with the Departments of Homeland Security, Justice, and State in a diligent fashion to make sure that relevant South Korean governmental agencies have implemented the most up-to-date passport controls, using biometric and other technologies to prevent fraud and abuse. Mr. Speaker, I am almost certain that the Republic of Korea's entry into the Visa Waiver Program will be one of the topics discussed by President Roh and President Bush during their summit meeting this month.

There are, of course, other issues that certainly will be discussed at the White House by

President Bush and President Roh, including the free trade negotiations, North Korean nuclear weapons development, and South Korea's active participation in the global War on Terrorism and its contributions to the war effort in Iraq. The United States and South Korea have enjoyed a long and productive alliance, which, based on blood ties forged in the Korean War, will deepen into the indefinite future.

The frequent meetings of U.S. and Korean leaders are a clear manifestation of the close relationship shared by our two countries. Therefore, Mr. Speaker, let me take this opportunity to welcome the President of the Republic of Korea, Roh Moo-hyun, to the United States as he visits Washington, D.C. and the Golden State of California. I invite all Members of the House to join me in offering President Roh our best wishes and hospitality as he visits our Nation's Capital.

CONGRATULATING THE ST. PAUL PUBLIC SCHOOLS ON THEIR 150TH ANNIVERSARY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, today I rise to congratulate the St. Paul Public Schools on their 150th anniversary. On the first day of this school year, more than 41,000 kindergarten through 12th graders entered one of the doors of the more than 70 schools staffed by more than 6,500 teachers and personnel in the St. Paul Public Schools. This school year marks 150 years of the district's commitment to educating the families of St. Paul and creating public spaces for civic and community engagement.

St. Paul Public Schools have a proud history. Harriet Bishop, originally a teacher in Vermont, traveled to St. Paul in the late 1840s and is credited with starting the first public school in St. Paul. It was in 1856 that a school district was formed in St. Paul in order to attract settlers and to educate the frontier children. Even before Minnesota was admitted into the Union as a State, the people understood the importance of education.

Over the past 150 years, the St. Paul Public Schools have created a ''world of opportunities'' for their students, teachers, staff, and community members. And the world has also come to St. Paul Public Schools. More than 80 native languages are spoken in its classrooms. And each year, St. Paul elementary, middle, and high schools welcome a more diverse student body. And, this school year, the St. Paul Public Schools' Language Academies will teach English to 1,650 new Americans.

As good stewards of public resources, St. Paul Public Schools are an integral part of our neighborhoods. They provide safe spaces for our children and youth to grow and learn where teachers and staff offer an enriched environment for students to develop into healthy, contributing adults. St. Paul Public Schools also provide the needed public community spaces to support a strong and engaged citizenry that is needed to support a strong democracy.

In honor of the students, parents, families, and St. Paul Public Schools teachers and staff, I submit this statement for the official CONGRESSIONAL RECORD. I look forward to continued celebrations of success and milestones in the education of the people of St. Paul.

A SPECIAL RECOGNITION TO THE MEN AND WOMEN OF BACHMAN'S BATTERY VETERAN'S FUNERAL DETAIL VOLUNTEERS

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. BROWN of South Carolina. Mr. Speaker, I rise to pay tribute to a group of South Carolinians who, for 10 years, have provided burial honors details through the South Carolina Military Department's Caisson Detachment for those killed in the line of duty, whether a member of the police, military, or civil service. How blessed our State and community are to have Steve Riggs, its founder, Jim Kenney, and their Bachman's Battery volunteers, gathered from far and wide, to provide this special service. For those who may not be familiar with the detachment's namesake, Bachman's Battery, in the War Between the States, Captain William K. Bachman commanded South Carolina's German Artillery, Battery B, part of the incomparable Hampton Legion. It came to be known as Bachman's Battery. Captain Bachman was the son of the prominent pastor of Charleston's St John's Lutheran Church, Dr. John Bachman. The Rev. Dr. Bachman, born in New York, was also a scientist and an associate of naturalist John James Audubon. His sisters were both married to Audubon's sons and his father has several species of birds named for him. To all of the Bachman Battery volunteers, thank you for your continued service in final tribute to the families of those who served.

Bachman's Battery—Veterans' Funeral Detail Volunteers List: Stephen R. Riggs, Eric Klatt, John Shuler, James A. Kenney, Lindsey E. Riggs, James Andrews, Archie D. Willis III, Theodore Phillips, Mark Shambley, Keith Purdy, Jay Ford, Mark D. Herron,

Jim Shelby, Jr., David M. Riggs, A.C. Fiveashe, W. Thomas Shealy, Kevin Shiflet, E.G. Sturgis, Michael Lussier, James J. Walker, Jr., John T. McNeill, Stephen M. Riggs, Richard Hippey.

TRIBUTE TO MONROE SWEETLAND

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. HOOLEY. Mr. Speaker, I rise today to honor a great man, Monroe Sweetland. A political renaissance man who positively affected the lives of generations of Oregon students through his commitment to higher education.

A native of Salem, Oregon, Mr. Sweetland was a walking history book of Oregon and national politics. A former Oregon legislator, newspaper publisher, and education advocate, he counted among his friends many illustrious members of the national Democratic Party, including Eleanor Roosevelt, Harry Truman, John F. Kennedy, and Hubert Humphrey.

Despite the accolades and attention, Mr. Sweetland always considered the work that he did in the field of education to be his most important.

Through his efforts Portland State University was transformed from a struggling city college into a full-fledged urban university, thereby giving countless students the opportunity to study at a first-class institution.

In the mid 1960s Mr. Sweetland's career shifted beyond Oregon and he became the National Education Association's political director for 13 western States. It was in this capacity that he initiated what became the Bilingual Education Act of 1968, which provided Federal money to encourage school districts to try approaches such as teaching English as a second language.

His work at the NEA merely exemplified the compassion that he felt for all people, regardless of skin color. He was a vocal critic of the internment of Japanese Americans during World War II and is credited with helping build support for a civil rights bill passed by the Oregon Legislature in 1953, after 17 civil rights bills had been unsuccessful.

I know that I am joined by my fellow Oregonians, and many others across the country, when I express my deepest condolences to Monroe Sweetland's family for their loss.

Oregon has lost one of its greatest citizens, a person whose influence will continue to be felt for years to come, and we, as a State, are greater for his presence and lesser for his passing.

ADMINISTRATION STEM CELL VETO: ''ASSAULT ON SCIENCE''

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, I rise to bring my colleagues' attention to the editorial entitled ''Assault on Science,'' which was published on July 21, 2006 in the Baytown Sun. The editorial, which calls the President's veto of legislation to expand Federal embryonic stem cell research ''a blow against scientific progress and human health,'' mirrors the views of more than 70 percent of the American public who support expanded embryonic stem cell research. I encourage each of my colleagues to read this well-written piece and ask unanimous consent that a copy of it be placed in the RECORD.

[From the Baytown Sun, July 21, 2006]

ASSAULT ON SCIENCE

(By David Bloom)

President Bush used his first veto Wednesday to block a bill that would have lifted some federal restrictions on funding for stem cell research that most Americans support.

In vetoing the bill, Bush made good on a promise he made in 2001 to limit federally funded embryonic research to the stem cell lines that had been created by the time. He also landed quite a blow against scientific progress and human health.

Bush and other opponents of embryonic stem cell research claim that their position is rooted in a respect for human life. They say that the embryos destroyed in the process of extracting stem cells are human beings with a right to life.

In truth, clinics destroy thousands upon thousands of embryos every year, the leftovers of the in-vitro fertilization process.

The bill would have allowed federal funding only for stem cell lines made from embryos headed for destruction, not adoption. Thus, no lives will be saved by the president's veto.

Further, embryos used in embryonic stem cell research are not human beings—not in any rational sense of the term. These embryos are smaller than a grain of sand, and consist of at most a few hundred undifferentiated cells.

While they have the potential to become human beings—if implanted in a woman's uterus and brought to term—they are nowhere near actual human beings.

No one knows for certain all that can be helped by stem cells. Most scientists believe they hold extraordinary healing powers and may aid everything from brain function impaired by Alzheimer's and Parkinson's to pancreas function limited by diabetes and heart function after a heart attack.

It is revealing that Bush has used his first veto to oppose potentially life-saving research to shore up his support among people who regard destruction of an embryo as abortion.

Anyone who truly cares about human life should condemn this religious assault on medical progress.

Granted, it's difficult to balance the moral, ethical and economic considerations in life sciences research. Elected officials must set policy that is flexible but consistent with historic national values.

But in this case, the president's beliefs and his aim for better poll numbers are preventing research that offers hope to many ailing people.

HONORING THE 60TH ANNIVERSARY OF THE FRENCH VILLAGE FIRE DEPARTMENT

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 60th anniversary of the French Village Fire Department located in St. Clair County, Illinois.

In 1946, residents in the Dutch Hollow and French Village neighborhoods took action to provide fire protection for their communities by forming the French Village Fire Department. Initial funding for this new department came from bake sales and raffles, but they were able to purchase a fire engine from Towers Fire Apparatus in nearby Freeburg, Illinois. The first firehouse was located on a resident's property off Rural Route 5, which is now 2nd Avenue in Fairview Heights.

Raising funds for the department was a struggle during the early years in the late 1940s and early 1950s. Picnics, dances and fish fries were some of the fund-raising activities that were required to keep the department operational. Through an election in 1953, the French Village Fire District was formed. This provided tax revenue so that the fire department could begin to plan for equipment, supplies, and ongoing operations.

In addition to growth in residential property, the early years were also marked by tragedy. In 1952, firemen Frank Robinson and Francis Johnson, Jr., lost their lives when their fire truck was struck while en route to a call. In 1954, another firefighter, Paul Hodson, suffered a fatal heart attack while fighting a vehicle fire. This second tragedy provided the stimulus for the department to provide better emergency care.

The next decades saw continued growth for the French Village Fire Department. Additional trucks and advanced equipment were added to keep pace with the growing population as well as the new advances in technology.

In the 1980s an effort at the ballot to disband the department was defeated and a bond issue was passed to replace aging equipment and build a second fire station. The 1990s saw the opening of the new station and the department's 50th anniversary. In the new century, the French Village Fire Department continued to expand and improve with the addition of a 75-ft. aerial ladder.

The French Village Fire Department has been a shining example of dedication and professionalism, made possible by the sacrifices that their firefighters and their families have made since 1946. Their compassion, valor, and unselfish acts of courage make each of them an everyday hero.

I ask my colleagues to join me in honoring the 60th anniversary of the French Village Fire Department and to wish the best to them for continued service in the future.

PENSION PROTECTION ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. HOLT. Mr. Speaker, last month President Bush signed into law the so-called Pension Protection Act. I opposed this legislation because it fails to address America's retirement security crisis—in fact, it accelerates the move away from defined-benefit pension plans and it makes it easier for companies to eliminate pensions or dump their obligations onto the backs of taxpayers. It also treats the pensions of CEOs and top executives as more sacred than those of workers.

The Federal Government should ensure that, after 30 years of service, workers will receive the pensions that they have been promised and that they have earned. Unfortunately, this bill does not live up to that responsibility. I opposed this legislation when it originally passed the House, and I had hoped that its shortcomings would be addressed in conference. I am disappointed that Democrats were excluded from the conference committee. This exclusion was a disservice to all American workers who will not benefit from their knowledge and experience in the subject.

Unfortunately, the shortcomings of the House bill were not addressed in conference. Far from protecting pensions for American workers, this legislation will allow companies to under-fund plans by simply promising to increase the contributions in future years. As the financial obligations on these companies grow, however, they will likely freeze or terminate pension plans, as they no longer make business sense to continue.

Some provisions blatantly discriminate against workers in favor of executives. The legislation allows plans that are only 60 percent funded to continue increasing the lavish benefits that executives enjoy. However, a plan must be 80 percent funded before employees can get any additional assistance. It is fundamentally unfair to hold these two groups to two different standards.

Most troubling to me is how American workers and retirees are increasingly being told, "You are on your own." As President Bush continues to advocate privatization of Social Security, and more and more companies convert their defined-benefit pensions to defined-contribution plans, retirees are having the rug pulled from under their feet. We have failed to apply the lesson that broad-based economic security facilitates sustainable growth, innovation, and productivity.

America's employees deserve retirement security. President Bush should have signed a bill that would protect employees, discourage companies from freezing or terminating their plans, address the financial shortfall at the Federal Pension Benefit Guarantee Corporation, and treat all employees equally.

Although the "Pension Protection Act" is now law, our commitment to employees who are so integral to our economy is not fulfilled. As we come off of Labor Day, I urge this body to assure the financial security of American employees through policies that achieve economic growth that is broad-based, not concentrated at the top of the income ladder.

NORTH AMERICAN WETLANDS CONSERVATION REAUTHORIZATION ACT OF 2006

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 5539, the North American Wetlands Conservation Reauthorization Act of 2006. I would also like to thank Chairman POMBO and Ranking Member RAHALL for all their hard work and for ensuring swift consideration of this important legislation.

As a wildlife enthusiast, conservationist, and member of the Migratory Bird Conservation Commission, I am a strong supporter of the North American Wetlands Conservation Act (NAWCA). For that reason, I am an original cosponsor of H.R. 5539.

As this body knows, NAWCA is a unique public-private, partnership-based program that leverage non-federal funds to protect, restore and manage wetland habitat for migratory birds and other wildlife. Since it was signed into law in 1989, NAWCA grants have spurred more than 2,000 partners to work on more than 1,100 projects, restoring nearly 23 million acres of wetlands in the United States, Canada and Mexico.

In addition, NAWCA provides an excellent return on a relatively modest federal investment. Over the years, the act has provided approximately $720 million in grant funds which have been matched by approximately $2.1 billion in partner funds.

Again, I thank the distinguished chairman of the Resources Committee for introducing this important legislation and look forward to continuing to work with him, Ranking Member RAHALL, members of the Congressional Sportsmen's Caucus on this extremely successful program.

TRIBUTE TO CHLOE JANE SWEET

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. McCAUL of Texas. Mr. Speaker, I rise today to honor the birth of Chloe Jane Sweet. Chloe was born on September 3, 2006 to her very proud parents and my good friends, Julie and Chad.

There is no accomplishment or gift greater in life than the birth of a son or daughter. As the father of five wonderful children who are the light of my life, I know how happy and fulfilled Julie and Chad are to have a healthy and beautiful newborn baby daughter.

It is my hope, and the hope of all of their friends and family, that they continue to be blessed with the great fortune they have enjoyed in the birth of Chloe Jane.

Linda, my children and I wish them all the best as Julie and Chad begin their lives as Chloe's parents, and as Chloe begins her life as their daughter.

RECOGNIZING IMPORTANCE OF ESTABLISHING NATIONAL MEMORIAL AT WORLD TRADE CENTER SITE TO COMMEMORATE AND MOURN EVENTS OF FEBRUARY 26, 1993, AND SEPTEMBER 11, 2001

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2006

Mrs. MALONEY. Mr. Speaker, the terrorist attacks of 9/11 left voids in our lives that can never be filled. Almost 3,000 families lost a loved one—sons, daughters, fathers and mothers who were taken too soon. New York City, my hometown, lost beloved residents, protectors and leaders. Our city, and our country, also lost an icon and symbol of our nation—the World Trade Center.

The hole where the World Trade Center once stood remains a somber reminder of those we lost and the heartache 9/11 has caused. Lower Manhattan and Ground Zero are being redeveloped in order to keep our city's economy strong and show our resilience and resolve. At the same time, the footprints of the Twin Towers have been preserved and designated for a permanent 9/11 memorial.

The men and women we lost on 9/11 must be honored with a poignant and thoughtful memorial. The one that is being developed is exactly that.

We must support the World Trade Center Memorial Foundation as it constructs the tribute to our fallen friends and neighbors. While we can never refill the voids left on 9/11, we can keep their memories alive forever.

When the work is completed and the memorial is opened, we will have an ever-lasting site to remember 9/11 and those who we lost. This is the way it should be—we must never forget.

IN HONOR OF THE FIFTH ANNIVERSARY OF SEPTEMBER 11, 2001

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2001

Mr. MATHESON. Mr. Speaker, this anniversary is first, last, and always, a day of remembrance. The shock and horror of that day has diminished. But the sorrow and sadness is still present in our hearts. The mountains of debris are gone from the place where the towers of the World Trade Center once defined the skyline. But Ground Zero and a field near Shanksville, Pennsylvania, are burial grounds still, where grief is palpable. Two Utahns were aboard one of the hijacked planes that struck the first Tower; another Utahn died at his job in the Pentagon when a third jet crashed into it. People from many other countries also died that morning. In the hours and days following the tragedy, it seemed that much of the world mourned.

The passing days brought much heartache and—ever so gradually—glimmers of hope. The heroes of 9/11—members of the New York and Port Authority police departments, and the New York City Firefighters—replaced the frightening images of the hijackers. From across this country, ordinary people put comfortable lives on hold in order to join the rescue and recovery effort. Twenty people were pulled alive from the debris. For a time, all Americans put aside their differences and united in the desire to make life better for the survivors.

The families and friends of the victims of 9/11 will always—in the words of poet ee cummings "carry your heart (I carry it in my heart)." For the rest of us, a fitting tribute to their memory may be to renew our desire to put aside contention and partisanship. We honor them when we adopt their "can-do" spirit and strive—as one nation—to make America the beacon of hope it has always been.

HONORING MARY ELLEN MENAPACE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. UDALL of New Mexico. Mr. Speaker, today I rise to honor Mary Ellen Menapace, who was chosen "New Mexico's Outstanding Older Worker of 2006." At the young age of 87, she continues to work and is currently the deputy village clerk of the village of Roy, located in eastern New Mexico, serving the residents with great honor, pride and distinction.

With only a few years' exception, Mrs. Menapace has worked continually since she was a high school student. She was only 17 when she began her first full-time job. Beginning in 1934, Mrs. Menapace's positions have been many and varied, including employment for the New Mexico State Health and Welfare Department, an abstract company, the Selective Service System during World War II and as a deputy county and court clerk, payroll clerk, secretary and an office manager. She proudly states that the key to her professional longevity and success has been the enjoyment she experienced in each and every job, and the total dedication she always gave during her many years of employment.

Noting all the advancements that have transpired in the workplace since high school, Mrs. Menapace's early years involved the use of a manual typewriter rather than a computer, carbon paper instead of a copier, and Gregg shorthand instead of e-mail. As the years passed, she committed to being the best she could be in every position she ever held. In order to accomplish that goal, and as office work became more technically advanced, Mrs. Menapace diligently took advantage of all training provided in order to enhance her knowledge and to improve her skills.

Mrs. Menapace could have completely retired at many junctures but instead chose to continue contributing to the betterment of her community. Her current position requires that she locate resources to fund village projects. One particular example of her success was securing grants to purchase trees and flowers to landscape both the main street and village park of Roy as part of the "Keep New Mexico Beautiful" State program. Another accomplishment was securing funds to purchase 75 trees that were planted to shield and shelter Roy's solid waste station.

Mary Ellen Menapace is truly a most remarkable lady. She helped support her parents and siblings during the Great Depression, was the sole provider for her own family during her husband's long illness and subsequent death, and is, herself, a cancer survivor. A devoted grandmother, she takes great pride and gratification that her later employment enabled her to raise and educate a grandson as well as assist a granddaughter-in-law in finishing law school. With all these responsibilities, Mrs. Menapace has somehow managed to be active in her community, in civic and professional organizations, and in her church. Another amazing talent is writing award-winning poetry and short stories, a gift she inherited from her father, who, she proudly proclaims, was also an agriculture and veterinary science visionary.

Mr. Speaker, I respectfully request that all my colleagues join me in giving tribute to Mary Ellen Menapace. She is an invaluable employee, a loving family member, a devoted member of her community, an exceptional New Mexican, and an honored American.

A TRIBUTE TO DR. JESUS M. SIERRA

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Dr. Jesus M. Sierra, beloved husband of Catherine. M. Mass Sierra for 24 years, loving father of Jesus M. Sierra Jr., Abraham Sierra, Marta I. Sierra, Janina E. Sierra, Nicholas Sierra, and Adam Eric, and caring grandfather of 11, who passed away on Sunday August 13, 2006.

Dr. Sierra was the founder and former Executive Director of the Asociacion Puertorriquenos en Marcha (APM). A tireless advocate of Latino rights, his contribution to his dearly loved Puerto Rican community cannot be measured. His deep belief in the provision of critical needs: health, human services,

and housing drove his work with the APM. Jesus was a pioneer in his efforts to help Philadelphia's poorest citizens advocating the use of economic development tools to fight racism, create equal opportunity for Latinos, and to generate change.

His founding of the APM is an accomplishment that will continue to have a positive impact into the future. Jesus headed this organization for 33 years and his indefatigable labors in building it from a two person office on Germantown Avenue to the largest non-profit development corporation in Pennsylvania is to be admired. His work directly saved countless lives and has contribution will continue to provide hope to thousands more. In tribute to a wonderful father, husband, and pillar of the Puerto Rican Community, I ask that you and my other distinguished colleagues rise to honor him and all of his accomplishments.

THE LOSS OF SGT. MOISES JAZMIN

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the loss of a brave soldier in Iraq, Sergeant Moises Jazmin, a Rhode Island resident who served his country with dignity and honor. I join his family and the people of Rhode Island in mourning this great loss.

Sergeant Jazmin grew up in Providence, RI, and attended Central High School until he enlisted in the Army at the age of 17. He is remembered as a committed and loving member of his tight-knit family.

Sergeant Jazmin was serving in Iraq in the 1st Battalion, 66th Armor Regiment, 1st Brigade of the 4th Infantry Division. On Sunday, August 27, he was on patrol when an improvised explosive device detonated near their Bradley Fighting Vehicle. The blast killed him and three other soldiers in his unit.

This loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When Sergeant Jazmin's nation called him to duty, he answered without hesitation. We will remember him as a patriot who made the ultimate sacrifice for his country.

Sergeant Jazmin is survived by his parents, Leon and Rosa, and many other friends and family members. May we keep his loved ones in our thoughts and prayers as they endure this difficult period. We will also continue to hope for the safe and speedy return of all of our troops serving throughout the world.

JACK HARDIN DAY

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. RAHALL. Mr. Speaker, I rise today in honor of "Jack Hardin Day" which was celebrated in many towns in my District recently. No one is more deserving of this honor than the man for which the day was named—a man who has served southern West Virginia, both as a journalist and as a community activist, for more than 50 years.

Jack Hardin is an icon, an institution, to the people of Huntington, WV., and beyond. It was fitting then, that on Jack Hardin Day, also Jack's 80th birthday, the members of the community came together for a good-natured roasting of their favorite son. It is also fitting that the proceeds of this roast went to an important charity—the Hospitality House of Huntington. Jack wouldn't have had it any other way.

While I was unable to attend the roast of my friend Jack Hardin, I would have loved to have been there to hear the tales, the teasing and what I am sure was a good amount of praise for a man who has become a role model to so many.

Jack Hardin is a moral man, a family man, and southern West Virginia is lucky to have him. I thank Jack for his contributions to our area over the years and commend the community of Huntington and Jack's family for coming together to put together a celebration worthy of such a man.

May this be the first of many "Jack Hardin Days."

9/11 FIVE-YEAR ANNIVERSARY

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Ms. MILLENDER-McDONALD. Mr. Speaker, this week we mark the fifth anniversary of the tragic and unprecedented events of September 11, 2001. On this fateful day, we lost not only thousands of our fellow citizens, but a piece of our innocence as well.

On behalf of my constituents of the 37th District of California, I affirm that we will not forget those who lost their lives on that dreadful day. We offer our heartfelt prayers to the families of the victims, and assure them that time has not dulled our deepest sympathies. We shall never fully recover from the loss of so many of our best and bravest and brightest.

This attack on our homeland showed us that great vigilance and effort are required to prevent terrorists from realizing their murderous aims. This important lesson was paid for dearly, and we owe it to all those who lost their lives to continue to work to protect our country from another attack.

In particular, I am acutely aware of the need to secure our Nation's ports, as my District is adjacent to the Port of Long Beach and the Port of Los Angeles, which are among our Nation's busiest. Some 95 percent of American trade enters the U.S. through 1 of 361 seaports on board over 8,500 foreign vessels and makes more than 55,000 port calls per year, which total worth is nearly $1 trillion. It is our duty to protect America's ports which remain highly vulnerable targets. In fact, over 52 percent of all waterborne cargo moves through the Ports of Long Beach and Los Angeles alone. Securing these and the rest of America's ports as well as the economic contributions they make must remain a top priority for each of us.

As such, I am pleased that Congress is finally working on a bipartisan basis to address this gaping hole in our security. I am a proud supporter of the SAFE Port Act, which would appropriate a dedicated stream of port security funding. I look forward to continuing to work on this important issue with my colleagues from both sides of the aisle.

I appeal to all Members of Congress to work toward these goals in the spirit of unity that we felt so poignantly 5 years ago in the wake of the terrorist attacks. This is really the greatest honor we could offer the victims of that day.

THE LOSS OF LANCE CORPORAL ERIC VALDEPEÑAS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the loss of a brave Marine in Iraq, Lance Corporal Eric Valdepeñas, who served his country with dignity and honor. I join his family and the people of Rhode Island and Massachusetts in mourning this great loss.

Lance Corporal Valdepeñas, a resident of Seekonk, Massachusetts, was a graduate of Bishop Hendricken High School in Warwick, Rhode Island, my own alma mater. He was an honors student and co-captain of the school's championship lacrosse team. He is remembered by his teachers and classmates as having tremendous energy and an exceptional character. After high school, he attended the University of Massachusetts at Amherst and was pursuing an engineering degree when his Marine Reserve unit was called up in December 2005.

Lance Corporal Valdepeñas served with the 1st Battalion, 25th Marine Regiment, 4th Marine Division. He demonstrated the same commitment and positive attitude in Iraq that his family and friends knew well, and he earned numerous military awards, including the Purple Heart. On September 4, while on patrol in al Anbar province, an improvised explosive device detonated next to his vehicle, killing him and two other Marines.

This loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When Lance Corporal Valdepeñas's nation called him to duty, he answered without hesitation. We will remember him as a patriot who made the ultimate sacrifice for his country.

He is survived by his parents, Jesus and Ann-Marie, and seven siblings Marie Drury, Karen Ing, Nora Lough, and Teresa, Edna-Anne, Neil, and Sean Valdepeñas. They will remember his great love for his family, his loyalty and his kindness. May we keep them and other friends and family in our thoughts and prayers as they endure this difficult period. We will also continue to hope for the safe and speedy return of all of our troops serving throughout the world.

A TRIBUTE TO ANTHONY J. STAGLIANO

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to celebrate my friend Anthony Stagliano's 50th year in America. Fifty years ago a 9-year-old Anthony said goodbye to his father in Naples, Italy and boarded a ship to the United States of America. Little Anthony came to America seeking a land of opportunity and found it in Philadelphia. Anthony quickly mastered the English language and went on to graduate from Bok Vocational High School.

Anthony is a devoted family man married to his beloved American beauty Joanne. They have been fortunate to be blessed with four children—Maria, Angela, Gina, and Anthony, Jr. who have each graduated from college.

Anthony Stagliano served his country in the United States Army from 1961–1963. He also took an interest in civic affairs, having served as a committee person for over 30 years. He was an exemplar Temple University Corrections officer, Philadelphia Housing Authority officer, and was on the Court tipstaff. He is currently serving the Philadelphia City Council as the Sergeant-at-Arms.

It is an honor to recognize a person who exemplifies the positive impact immigrants can have on the United States. Anthony's service to the City of Philadelphia, military service, and wonderful family are to be praised. I ask you and my other distinguished colleagues to join me in commending Anthony Stagliano for his 50 years of contribution to our country.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mrs. MALONEY. Mr. Speaker, on September 12, 2006, I missed rollcall votes numbered 436 and 437. Rollcall vote 436 was on the motion to suspend the rules and pass as amended H.R. 5428, a bill to designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the ''Joshua A. Terando Morris Post Office Building.'' Rollcall vote 437 was on the motion to suspend the rules and pass H. Res. 175, a bill to recognize the importance of establishing a national memorial at the World Trade Center site to commemorate and mourn the events of February 26, 1993, and September 11, 2001.

Had I been present I would have voted ''yea'' on rollcall votes 436 and 437.

HEALTH INFORMATION TECHNOLOGY PROMOTION ACT (H.R. 4157)

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2006

Mr. HOLT. Mr. Speaker, I rise in strong support of health information technology, which holds great promise for reducing medical errors, lowering costs, expediting diagnoses and treatments, and facilitating quality care. However, I must oppose this legislation due to the complete lack of a mechanism for safeguarding patient privacy, opening up the dangerous possibility of identity theft or personal infringement.

Estimates vary as to the amount of money that health information technology will save our healthcare system, but it could surely be in the tens of billions of dollars. Making health information accessible electronically by health care providers with the proper clearance would improve the quality of care by getting providers to patients' medical history quickly and efficiently. This would reduce medical errors, increase patient satisfaction, and decrease the number of lawsuits.

Unfortunately, the bill that the House passed will not accomplish any of these goals. Providers do not have access to any funding assistance, which they will need to purchase health information technology. We should be making grants and loans available to physicians so that they can take advantage of the promise of health IT, realizing the promise of improved care.

A larger problem is that this bill will jeopardize the privacy of medical records. We have all seen the unconscionable and irresponsible loss of sensitive personal information by federal agencies like the Veterans Administration, Centers for Medicare and Medicaid Services, and the Department of Transportation. This loss of personal information is a breach of trust by the federal government. Passing this legislation without reasonable privacy safeguards will only put patients at greater risk.

We should be doing more to protect the patients' names, medical history, and financial information. Unfortunately, this legislation abdicates that responsibility. The Rules Committee even disallowed consideration of amendments to accomplish that reasonable and important goal. Whereas the Senate worked on a bipartisan basis to pass a comprehensive and responsible bill, the House has wasted an opportunity to improve healthcare and reduce costs for all Americans.

I support health information technology, and I believe in the promise that it holds. Unfortunately, I cannot support legislation that makes American patients more likely to have their personal information stolen and their privacy violated.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 14, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 19

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of General Bantz J. Craddock, USA, for reappointment to be general and to be Commander, U.S. European Command, Vice Admiral James G. Stavridis, USN for appointment to be admiral and to be Commander, U.S. Southern Command, Nelson M. Ford, of Virginia, to be Assistant Secretary of the Army for Financial Management and Comptroller, and Ronald J. James, of Ohio, to be Assistant Secretary of the Army for Manpower and Reserve Affairs.

SH–216

Judiciary

To hold hearings to examine understanding the financial and human impact of criminal activity relating to the cost of crime.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine combating child pornography by eliminating pornographers' access to the financial payment system.

SD–538

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

Homeland Security and Governmental Affairs

To hold hearings to examine if terrorist cells are forming in U.S. cell blocks relating to prison radicalization.

SD–342

2 p.m.

Judiciary

To hold hearings to examine judicial nominations.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine online child pornography.

SR–253

SEPTEMBER 20

9:30 a.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine U.S. international broadcasts into Iran, focusing on financial investment of the American taxpayer for international broadcasting into Iran, whether the appropriate management and accountability controls exist within U.S. international broadcasting, and whether the content of the broadcasts promote international security and U.S. foreign policy.

SD–342

Judiciary
To hold hearings to examine preserving effective Federal law enforcement relating to reporters' privilege legislation.
SD–226

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine S. 2322, to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly, S. 1531, to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls, S. 3771, to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, S. 1325, to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, H.R. 5074, to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury, and the nominations of Randolph James Clerihue, of Virginia, to be an Assistant Secretary of Labor, Jane M. Doggett, of Montana, to be a Member of the National Council on the Humanities, Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services, Stephen Goldsmith, of Indiana, to be a Member of the Board of Directors, and Gerald Walpin, of New York, to be Inspector General, both of the Corporation for National and Community Service, Roger L. Hunt, of Nevada, John E. Kidde, of California, and John Peyton, of Florida, each to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation, Lauren M. Maddox, of Virginia, to be Assistant Secretary for Communications and Outreach, Department of Education, Eliza McFadden, of Florida, to be a Member of the National Institute for Literacy Advisory Board, Sandra Pickett, of Texas, to be a Member of the National Museum and Library Services Board, Arthur K. Reilly, of New Jersey, to be a Member of the National Science Board, National Science Foundation, Peter W. Tredick, of California, to be a Member of the National Mediation Board, nominations in the Public Health Service Corps, and other pending nominations.
SD–430

Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
Economic Policy Subcommittee
To hold joint hearings to examine assessing non-traditional mortgage products.
SD–538

Commerce, Science, and Transportation
Trade, Tourism, and Economic Development Subcommittee
To hold hearings to examine the future of ICANN relating to Internet governance.
SR–253

Veterans' Affairs
To hold hearings to examine the legislative presentation of the American Legion.
SD–106

2 p.m.
Judiciary
To hold hearings to examine the proposal to restructure the Ninth Circuit.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine nominations.
SR–253

Environment and Public Works
To hold hearings to examine approaches embodied in the Asia Pacific Partnership.
SD–406

Homeland Security and Governmental Affairs
To hold hearings to examine assessing Spiral 1.1 of the National Security Personnel System.
SD–342

3:30 p.m.
Intelligence
To receive a closed briefing regarding intelligence matters.
SH–219

SEPTEMBER 21

10 a.m.
Energy and Natural Resources
To hold hearings to examine the nomination of Mary Amelia Bomar, of Pennsylvania, to be Director of the National Park Service, Department of the Interior.
SD–628

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine progress of the Capitol Visitor Center construction.
SD–138

2:30 p.m.
Intelligence
To hold closed hearings to examine intelligence matters.
SH–219

SEPTEMBER 26

3:15 p.m.
Commerce, Science, and Transportation
Foreign Relations
To hold joint hearings to examine International polar year.
SR–253

SEPTEMBER 27

10 a.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 3599, to establish the Prehistoric Trackways National Monument in the State of New Mexico, S. 3794, to provide for the implementation of the Owyhee Initiative Agreement, S. 3854, to designate certain land in the State of Oregon as wilderness, H.R. 3603, to promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and H.R. 5025, to protect for future generations the recreational opportunities, forests, timber, clean water, wilderness and scenic values, and diverse habitat of Mount Hood National Forest, Oregon.
SD–628

SEPTEMBER 28

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine new aircraft in the National Airspace System.
SR–253

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9449–S9575

Measures Introduced: Two resolutions were submitted, as follows: S. Res. 569 and S. Con. Res. 114. **Page S9507**

Measures Reported:

S. 660, to provide for the acknowledgement of the Lumbee Tribe of North Carolina. (S. Rept. No. 109–334)

S. 2453, to establish procedures for the review of electronic surveillance programs, with an amendment in the nature of a substitute.

S. 2455, to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded.

S. 3001, to ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, with an amendment in the nature of a substitute. **Page S9505**

Measures Passed:

Enrollment Corrections: Senate agreed to S. Con. Res. 114, providing for corrections to the enrollment of the bill S. 2590. **Pages S9563–64**

Fort McDowell Indian Community Water Rights Settlement Revision Act: Senate passed S. 2464, to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, after agreeing to the following amendment proposed thereto: **Page S9564**

Stevens (for McCain) Amendment No. 5006, to make a technical correction. **Page S9564**

Children and Media Research Advancement Act: Senate passed S. 1902, to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children, after agreeing to the committee amendment in the nature of a substitute. **Pages S9564–65**

Shipping Law: Senate passed H.R. 1442, to complete the codification of title 46, United States Code, "Shipping," as positive law, clearing the measure for the President. **Page S9565**

National Save for Retirement Week: Committee on the Judiciary was discharged from further consideration of S. Res. 550, designating October 22 through October 28, 2006, as "National Save for Retirement Week," and the resolution was then agreed to. **Page S9565**

Darfur: Committee on Foreign Relations was discharged from further consideration of S. Res. 559, calling on the President to take immediate steps to help stop the violence in Darfur, and the resolution was then agreed to. **Pages S9565–66**

***Honoring USS* Enterprise Service:** Senate agreed to S. Res. 569, honoring the life of those who died in service to their country aboard the U.S.S. Enterprise on January 14, 1969. **Page S9566**

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 amendments proposed thereto: **Pages S9454–S9501**

Adopted:

Nelson (FL) Amendment No. 4968, to require the Department of Homeland Security provide Congress with a strategy for deploying radiation detection capabilities to all United States ports of entry. **Pages S9483–85**

By 95 yeas to 3 nays (Vote No. 245), Coleman Amendment No. 4982, to require the Secretary of Homeland Security to ensure that all cargo containers are screened before arriving at a United States seaport, that all high-risk containers are scanned before leaving a United States seaport, and that integrated scanning systems are fully deployed to scan all cargo containers entering the United States before they arrive in the United States. **Pages S9487–90**

Obama Modified Amendment No. 4972, to ensure the evacuation of individuals with special needs in times of emergency. **Pages S9493–94**

Voinovich/Clinton Modified Amendment No. 4962, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

Pages S9459–60, S9494–96

Stevens (for Rockefeller) Modified Amendment No. 4924, to establish a competitive research program within the Department of Homeland Security.

Pages S9567–68

Stevens (for Bingaman) Amendment No. 4928, to provide a pilot program to extend the hours of commercial operations at Santa Teresa, New Mexico.

Page S9568

Stevens (for Domenici/Warner) Amendment No. 4932, to establish a Domestic Nuclear Detection Office with the Department of Homeland Security.

Pages S9568–69

Stevens (for Domenici/Warner) Amendment No. 4933, to provide for coordination between the Department of Homeland Security and the Department of Energy. **Page S9569**

Stevens (for Kerry) Modified Amendment No. 4939, to require the Secretary of Homeland Security to create port security training and exercise programs for law enforcement and seaport personnel.

Page S9569

Stevens (for Burns) Modified Amendment No. 4946, to require the Assistant Secretary for the Transportation Security Administration to submit to Congress a security plan for Essential Air Service airports. **Page S9569**

Stevens (for Cantwell) Modified Amendment No. 4950, to establish an Intermodal Rail Radiation Detection Test Center. **Page S9569**

Stevens (for Cantwell) Amendment No. 4949, of a technical nature. **Page S9569**

Stevens (for McCain) Amendment No. 4951, to require disclosures regarding homeland security grants. **Page S9569**

Stevens (for Vitter) Amendment No. 4953, to provide for additional security relating to foreign vessels working on the outer Continental Shelf.

Page S9569

Stevens (for Snowe/Cantwell) Modified Amendment No. 4954, to establish a deadline for the Coast Guard to complete inspection of foreign ports and validate compliance with the International Ship and Port Facility Security Code. **Pages S9569–70**

Stevens (for Allard/Salazar) Amendment No. 4955, to include the Transportation Technology Center in the National Domestic Preparedness Consortium.

Page S9570

Stevens (for Pryor/Talent) Modified Amendment No. 4959, to require the Secretary of Transportation to issue regulations to improve trucking security.

Page S9570

Stevens (for Burns) Amendment No. 4964, to extend the requirement for air carriers to honor tickets for suspended air passenger service. **Page S9570**

Stevens (for Boxer) Amendment No. 4976, to protect commercial aircraft from the threat of Man-Portable Air Defense Systems. **Page S9570**

Stevens (for Baucus) Modified Amendment No. 4985, to authorize an additional $200,000,000 to be appropriated for fiscal year 2007 for the operating expenses of the Northern Border Air Wing.

Page S9570

Stevens (for Lautenberg) Modified Amendment No. 4988, to provide improved intercity bus, hazardous materials, pipeline, and motor carrier security. **Pages S9570–73**

Stevens (for Snowe) Amendment No. 5000, to conduct a study to identify redundancies and inefficiencies in connection with Federal background checks. **Page S9573**

Stevens (for Burns) Modified Amendment No. 4947, to promote and enhance public safety and to encourage the rapid deployment of IP-enabled voice services. **Pages S9573–74**

Rejected:

Biden Amendment No. 4975, to establish a Homeland Security and Neighborhood Safety Trust Fund and refocus Federal priorities toward securing the Homeland. (By 57 yeas to 41 nays (Vote No. 244), Senate tabled the amendment.)

Pages S9461–62, S9469, S9482

By 43 yeas to 55 nays (Vote No. 246), Menendez Amendment No. 4999, to improve the security of cargo containers destined for the United States.

Pages S9485–87, S9490–91

Withdrawn:

Santorum Amendment No. 4990, to provide for comprehensive border security. **Pages S9492–93**

Pending:

Schumer Modified Amendment No. 4930, to improve maritime container security by ensuring that foreign ports participating in the Container Security Initiative scan all containers shipped to the United States for nuclear and radiological weapons before loading. **Pages S9454, S9469–77**

Murray (for Stabenow) Amendment No. 4967, to authorize grants for interoperable communications.

Page S9454

Nelson (NE) Modified Amendment No. 4945, to provide emergency agricultural disaster assistance.

Pages S9454–56, S9458, S9461, S9496–97

DeMint Amendment No. 4970, to prohibit the issuance of transportation security cards to individuals who have been convicted of certain crimes.

Pages S9456–58

Clinton/Dole Amendment No. 4957, to facilitate nationwide availability of 2–1–1 telephone service for information on and referral to human services, including volunteer opportunities related to human services. **Pages S9475–76**

Clinton Amendment No. 4943, to fund additional research to improve the detection of explosive materials at airport security checkpoints. **Pages S9476–77**

Clinton/Schumer Amendment No. 4958, to establish a grant program for individuals still suffering health effects as a result of the September 11, 2001, attacks in New York City. **Pages S9477–82, S9491–92**

During consideration of this measure today, the Senate also took the following action:

By 41 yeas to 57 nays (Vote No. 243), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Reid Amendment No. 4936, to provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Page S9468**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10 a.m., on Thursday, September 14, 2006, with one hour of debate equally divided, followed by a vote on the motion to invoke cloture on the bill. **Page S9567**

Nominations Confirmed: Senate confirmed the following nominations:

Bertha K. Madras, of Massachusetts, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy.

Cesar Benito Cabrera, of Puerto Rico, to be Ambassador to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador to the Republic of Seychelles.

George E.B. Holding, of North Carolina, to be United States Attorney for the Eastern District of North Carolina for the term of four years.

John C. Rood, of Arizona, to be an Assistant Secretary of State (International Security and Non-Proliferation).

Mary Martin Ourisman, of Florida, to be Ambassador to Barbados, and to serve concurrently and without additional compensation as Ambassador to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines.

Ronald A. Tschetter, of Minnesota, to be Director of the Peace Corps. **Pages S9574–75**

Nominations Received: Senate received the following nominations:

Frank Baxter, of California, to be Ambassador to the Oriental Republic of Uruguay.

Thomas M. Hardiman, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

1 Air Force nomination in the rank of general.

3 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Navy.

Page S9574

Messages From the House: **Page S9505**

Measures Referred: **Page S9505**

Measures Placed on Calendar: **Page S9505**

Enrolled Bills Presented: **Page S9505**

Executive Reports of Committees: **Page S9505**

Additional Cosponsors: **Pages S9505–07**

Statements on Introduced Bills/Resolutions: **Page S9507**

Additional Statements: **Page S9504**

Amendments Submitted: **Pages S9507–62**

Notices of Hearings/Meetings: **Page S9562**

Authorities for Committees to Meet: **Pages S9562–63**

Record Votes: Four record votes were taken today. (Total—246) **Pages S9468, S9482, S9490, S9491**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:39 p.m., until 9:30 a.m., on Thursday, September 14, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9567.)

Committee Meetings

(Committees not listed did not meet)

HOUSING BUBBLE

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Economic Policy and the Subcommittee on Housing and Transportation concluded joint hearings to examine the housing bubble and its implications for the economy, focusing on the current housing downswing, the depth and duration of the downswing, the economic consequences of the falloff in housing market activity, and the impacts of several secondary effects of the evolving

housing cycle, after receiving testimony from Patrick J. Lawler, Associate Director and Chief Economist, Office of Federal Housing Enterprise Oversight; Richard A. Brown, Chief Economist, Federal Deposit Insurance Corporation; David F. Seiders, National Association of Home Builders, Washington, D.C.; and Tom Stevens, National Association of Realtors, Chicago, Illinois.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported 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.

NOMINATIONS

Committee on Environment and Public Works: Committee concluded 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, who was introduced by Senator Alexander, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following bills:

H.R. 5689, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, with an amendment in the nature of a substitute;

S. 1848, to promote remediation of inactive and abandoned mines, with an amendment in the nature of a substitute;

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, with an amendment;

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 Wytheville 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, with an amendment;

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, proposed legislation to amend the Clean Air Act to encourage the most polluted areas in the United States to attain clean air standards;

S. 3879, to implement the Convention on Supplementary Compensation for Nuclear Damage, with an amendment;

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, with an amendment in the nature of a substitute;

S. 3591, to improve efficiency in the Federal Government through the use of high-performance green buildings, with an amendment in the nature of a substitute; 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.

NONPROFIT HOSPITALS

Committee on Finance: Committee concluded a hearing to examine charitable care and community benefits at nonprofit hospitals, after receiving testimony from Kansas Attorney General Phill Kline, Topeka; Carol Keehan, Catholic Health Association of the United States, and Kevin E. Lofton, American Hospital Association, both of Washington, D.C.; Scott A. Duke, Glendive Medical Center, Glendive, Montana; Nancy M. Kane, Harvard School of Public Health Department of Health Policy and Management, Boston, Massachusetts; and Raymond A. Hartz, Legal Aid Society of Eastern Virginia, Inc., Norfolk.

LEBANON

Committee on Foreign Relations: Committee concluded a hearing to examine securing a permanent cease-fire relating to Lebanon, focusing on what the United States and others can do to secure lasting calm on Israel's northern border, strengthen the Lebanese Government so that it can fully control its territory, and assist in meeting Lebanon's urgent humanitarian and reconstruction needs, including the impact of this conflict on broader U.S. interests in the region, and achieving a peace settlement between Israel and the Palestinians, after receiving testimony from C. David Welch, Assistant Secretary of State for Near Eastern Affairs; Carlos Pascual, Brookings Institution, Washington, D.C.; Paul Salem, Carnegie Middle East Center, Beirut, Lebanon; and Augustus Richard Norton, Boston University, Boston, Massachusetts.

NOMINATIONS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nominations of Wayne Cartwright Beyer, of New Hampshire, to be a Member of the Federal Labor Relations Authority, who was introduced by Senator Gregg, and Stephen Thomas Conboy, of Virginia, to be United States Marshal for the Superior Court of the District of Columbia, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following bills:

S. 2453, to establish procedures for the review of electronic surveillance programs, with an amendment in the nature of a substitute;

S. 2455, to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded; and

S. 3001, to ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, with an amendment in the nature of a substitute.

Also, Committee failed to approve for reporting S. 2468, to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

MEDICAID: MANAGED CARE

Special Committee on Aging: Committee concluded a hearing to examine managed care relating to securing Medicaid's future, after receiving testimony from Anthony Rodgers, Arizona Health Care Cost Containment System, Phoenix; Ron Pollack, Families USA, and Jeffrey S. Crowley, Georgetown University Health Policy Institute, both of Washington, D.C.; Greg Nycz, Family Health Center of Marshfield, Inc., Marshfield, Wisconsin; David Ford, CareOregon, Portland, Oregon; and Daniel J. Hilferty, AmeriHealth Mercy and Keystone Mercy Health Plans, Philadelphia, Pennsylvania, on behalf of the Medicaid Health Plans of America.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 10 public bills, H.R. 6060–6069; and 11 resolutions, H. Con. Res. 470–472; and H. Res. 1000–1001, 1004–1009 were introduced. **Pages H6534–35**

Additional Cosponsors: **Pages H6535–36**

Reports Filed: Reports were filed today as follows:

H.R. 4893, to amend section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming, with an amendment (H. Rept. 109–650); and

H.R. 5835, to amend title 38, United States Code, to improve information management within the Department of Veterans Affairs, with an amendment (H. Rept. 109–651, Pt. 1);

H.R. 1167, to amend the Truth in Regulating Act to make permanent the pilot project for the report on rules, with amendments (H. Rept. 109–652);

H. Res. 1002, providing for consideration of H.R. 6061, to establish operational control over the international land and maritime borders of the United States (H. Rept. 109–653);

H. Res. 1003, providing for the adoption of H. Res. 1000, providing for earmarking reform in the House of Representatives (H. Rept. 109–654); and

H. Res. 1000, providing for earmarking reform in the House of Representatives (H. Rept. 109–655).

Page H6534

Speaker: Read a letter from the Speaker wherein he appointed Representative Price of Georgia to act as Speaker pro tempore for today. **Page H6431**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Louis V. Iasiello, President, Washington Theological Union, Washington, D.C.

Page H6431

Federal Prison Industries Competition in Contracting Act of 2006—Rule for Consideration: The House agreed to H. Res. 997, the rule providing for consideration of H.R. 2965, to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a 5-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, by voice vote after ordering the previous question.

Pages H6435–38

Suspensions: The House agreed to suspend the rules and pass the following measures:

Department of Veterans Affairs Medical Facility Authorization Act of 2006: H.R. 5815, amended, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007;

Pages H6453–59

Federal Funding Accountability and Transparency Act of 2006: S. 2590, to require full disclosure of all entities and organizations receiving Federal funds—clearing the measure for the President;

Pages H6498–H6501

Fourteenth Dalai Lama Congressional Gold Medal Act: S. 2784, to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding—clearing the measure for the President; and **Pages H6505–09**

Extending the thanks of Congress and the Nation to the Defense POW/Missing Personnel Office, the Joint POW/MIA Accounting Command of the Department of Defense, the Armed Forces DNA Identification Laboratory, the Air Force Life Sciences Equipment Laboratory, and the military departments and to the Socialist Republic of Vietnam for their efforts to achieve the fullest possible accounting of all Americans unaccounted for as a result of the Vietnam War: H. Con. Res. 444, to extend the thanks of Congress and the Nation to the Defense POW/Missing Personnel Office, the Joint POW/MIA Accounting Command of the Department of Defense, the Armed Forces DNA Identification Laboratory, the Air Force Life Sciences Equipment Laboratory, and the military departments and to the Socialist Republic of Vietnam for their efforts to achieve the fullest possible accounting of all Americans unaccounted for as a result of the Vietnam War. **Pages H6509–11**

Agreed to amend the title so as to read: "Extending the appreciation of Congress and the Nation to the Department of Defense organizations, military departments, and personnel engaged in the mission to achieve the fullest possible accounting for all Americans unaccounted for as a result of the Nation's wars, to the POW/MIA families and veterans who support the mission, and to foreign nations that assist in the mission.". **Page H6511**

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure:

Amending section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming: H.R. 4893, amended, to amend section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming, by a 2/3 yea-and-nay vote of 247 yeas to 171 nays, Roll No. 439. **Pages H6446–53, H6460–61**

Suspension—Proceedings Postponed: The House completed debate on the following measure under suspension of the rules. Further consideration of the measure is scheduled to resume tomorrow, Thursday, September 14th:

Designating the facility of the United States Postal Service located at 39–25 61st Street in Woodside, New York, as the "Thomas J. Manton Post Office Building": H.R. 6033, to designate the facility of the United States Postal Service located at 39–25 61st Street in Woodside, New York, as the "Thomas J. Manton Post Office Building".

Pages H6502–04

Expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001: The House agreed to H. Res. 994, to express the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001, by a yea-and-nay vote of 395 yeas to 22 nays with 1 voting ''present'', Roll No. 440.

Pages H6439–46, H6461–97

H. Res. 996, the rule providing for consideration of the resolution was agreed to by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 223 yeas to 191 nays, Roll No. 438.

Page H6460

Providing for corrections to the enrollment of S. 2590: The House agreed by unanimous consent to S. Con. Res. 114, to provide for corrections to the enrollment of the bill S. 2590. **Pages H6501–02**

Water Resources Development Act of 2006—Motion to go to Conference: The House disagreed to the Senate amendment and agreed to a conference on H.R. 2864, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States. **Pages H6504–05**

The House began consideration of the Melancon motion to instruct conferees on H.R. 2864, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States. Further consideration is expected to resume tomorrow, Thursday, September 14th. **Page H6504**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. on tomorrow, Thursday, September 14th. **Page H6501**

Late Report: Agreed that the Committee on Rules have until 2 a.m. on September 14th to file their report to accompany H. Res. 1000. **Page H6520**

Senate Messages: Messages received from the Senate today appear on pages H6431 and H6498.

Senate Referrals: S. Con. Res. 114 was held at the desk. **Pages H6501–02**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings today and appear on pages H6560, H6460–61 and H6497. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:58 p.m.

Committee Meetings

FEDERAL FARM POLICY

Committee on Agriculture: Held a hearing to Review Federal Farm Policy. Testimony was heard from agricultural processors and suppliers.

OVERSIGHT—NUCLEAR ENERGY

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held an oversight hearing on Nuclear Energy. Testimony was heard from Dennis Spurgeon, Assistant Secretary, Nuclear Energy, Department of Energy; Stan Wise, Chairman, Public Service Commission, State of Georgia; Nils Diaz, former Chairman, NRC; and public witnesses.

MILITARY COMMISSIONS ACT OF 2006

Committee on Armed Services: Ordered reported, as amended, H.R. 6054, Military Commissions Act of 2006.

FEDERAL BUDGETARY CHOICES

Committee on the Budget: Held a hearing on How Budgetary Choices Affect Work, Saving, and Growth, The Real Purpose of 'Dynamic' Estimating. Testimony was heard from Douglas J. Holtz-Eakin, former Director, CBO; and public witnesses.

NUCLEAR WASTE/HYDROELECTRIC ENERGY EFFICIENCY LEGISLATION

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing on nuclear waste storage and disposal policy, and hydroelectric license extension and energy efficiency legislation. Testimony was heard from Representatives Otter and Mollohan; from the following officials of the Department of Energy: Edward F. Sproat, III, Director, Office of Civilian Radioactive Waste Management; and J. Mark Robinson, Director, Office of Energy Projects, Federal Energy Regulatory Commission; Luis A. Reyes, Executive Director, Operations, NRC; Stan Wise, Chairman, Public Service Commission, State of Georgia; and public witnesses.

NIH ETHICS/MANAGEMENT CULTURE

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''Continuing Ethics and Management Concerns at NIH and the Public Health Service Commissioned Corps.'' Testimony was heard from the following officials of the Department of Health and Human Services: John Agwunobi, M.D., Assistant Secretary for Health; Raynard Kington, M.D., Deputy Director, NIH; John Niederhuber, M.D., Director, National Cancer Institute; Thomas R. Insel, M.D., Director; and William Fitzsimmons, Executive Officer,

both with the National Institute of Mental Health, NIH.

CYBERSECURITY

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet, hearing entitled ''CyberSecurity: Protecting America's Critical Infrastructure, Economy, and Consumers.'' Testimony was heard from David A. Powner, Director, Information Technology Management Issues, GAO; George W. Foresman, Under Secretary, Preparedness, Department of Homeland Security; Kenneth P. Moran, Director, Office of Homeland Security Enforcement Bureau, FCC; and public witnesses.

COASTAL INSURANCE MARKETS

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled ''Stabilizing Insurance Markets for Coastal Consumers.'' Testimony was heard from public witnesses.

INTERIOR DEPARTMENT MANAGEMENT

Committee on Government Reform: Subcommittee on Energy and Resources held a hearing entitled ''Interior Department: A Culture of Managerial Irresponsibility and Lack of Accountability?'' Testimony was heard from Earl E. Devaney, Inspector General, Department of the Interior.

FEDERAL FAMILY HEALTH INFORMATION TECHNOLOGY ACT

Committee on Government Reform: Subcommittee on Federal Workforce and Agency Organization approved for full Committee action, as amended, H.R. 4859, Federal Family Health Information Technology Act of 2006.

DHS FINANCIAL MANAGEMENT

Committee on Government Reform: Subcommittee on Government Management, Finance, and Accountability held a hearing entitled ''DHS Financial Management: Evaluating Progress in Improving Internal Controls.'' Testimony was heard from the following officials of the Department of Homeland Security: David Norquist, Chief Financial Officer; and David Zavada, Assistant Inspector General.

IRAQ: DEMOCRACY OR CIVIL WAR?

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations continued hearings entitled ''Iraq: Democracy or Civil War?'', with emphasis on What Will It Take To Achieve National Reconciliation? Testimony was heard from the following officials of the Department of State: David Satterfield, Senior Advisor on Iraq to the Secretary; and James Bever, Deputy Assistant Administrator, Near East and Asia, U.S. Agency for International Development; and public witnesses.

DHS CYBER AND TELECOMMUNICATIONS SECURITY

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection and Cybersecurity held a hearing entitled ''The Future of Cyber and Telecommunications Security at the Department of Homeland Security.'' Testimony was heard from George Foresman, Under Secretary, Preparedness, Department of Homeland Security; David Powner, Director, Information Technology Management Issues, GAO; William Pelgrin, Director, Office of Cyber Security and Critical Infrastructure, State of New York; and public witnesses.

HOMELAND SECURITY INFORMATION NETWORK

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled ''The Homeland Security Information Network: An Update on DHS Information Sharing Efforts.'' Testimony was heard from the following officials of the Department of Homeland Security: Frank W. Deffer, Assistant Inspector General; Charles E. Allen, Chief Intelligence Officer; and Roger T. Rufe, Jr., Director, Operations Directorate; and public witnesses.

SAFETY ACT IMPLEMENTATION

Committee on Homeland Security: Subcommittee on Management, Integration, and Oversight and the Subcommittee on Emergency Preparedness, Science and Technology held a joint hearing entitled ''Helping Business Protect the Homeland: Is the Department of Homeland Security Effectively Implementing the SAFETY Act?'' Testimony was heard from the following officials of the Department of Homeland Security: Jay Cohen, Under Secretary, Science and Technology; and Elaine C. Duke, Chief Procurement Officer; and public witnesses.

MISCELLANEOUS MEASURES; RESOLUTION OF INQUIRY

Committee on International Relations: Ordered reported H.R. 6060, Department of State Authorities Act of 2006.

The Committee reported, without recommendation, H. Res. 985, Directing the Secretary of State to provide to the House of Representatives certain documents in the possession of the Secretary of State relating to the report submitted to the Committee on International Relations of the House of Representatives on July 28, 2006, pursuant to the Iran and Syria Nonproliferation Act.

The Committee also favorably considered the following measures and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H.R. 611, amended, Haiti Economic and Infrastructure Reconstruction Act; H.R. 1476, amended, Eisenhower Exchange Fellowship Program Trust Fund Enhancement Act of 2005; H.R. 1996, Coral Reef and Coastal Marine Conservation Act of 2005; H.R. 5805, amended, North Korea Nonproliferation Act of 2006; H. Res. 415, amended, Expressing the sense of the House of Representatives that the Socialist Republic of Vietnam needs to do more to resolve claims for confiscated real and personal property; H. Res. 622, amended, To recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II; H. Res. 723, amended, calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with a specific emphasis on civilian protection; H. Res. 759, amended, Expressing the sense of the House of Representatives that the Government of Japan should formally acknowledge and accept responsibility for its sexual enslavement of young women, known to the world as ''comfort women,'' during its colonial occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II; H. Res. 940, amended. Recognizing the 185th anniversary of the independence of Peru on July 28, 2006; H. Res. 942, Recognizing the centennial anniversary on August 5, 2006, of the Iranian constitution of 1906; H. Res. 965, Commending the people of Montenegro on the conduct of the referendum on independence, welcoming United States recognition of the sovereignty and independence of the republic of Montenegro, and welcoming Montenegro membership in the United Nations and other international organizations; H. Res. 992, amended, Urging the President to appoint a Presidential Special Envoy for Sudan; H. Res. 976, Condemning human rights abuses by the Government of the Islamic Republic of Iran and expressing solidarity with the Iranian people; H. Con. Res. 317, Requesting the President to issue a proclamation annually calling upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing; H. Con. Res. 415, Condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is; S. 2125, amended, Democratic Republic of the Congo Relief, Recovery, Security, and Democracy; and S. 3836, United States Advisory Commission on Public Diplomacy Reauthorization Act of 2006.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported, as amended, the following bills: H.R. 5005, Firearms Corrections and Improvements Act; H.R. 5418, To establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges; and H.R. 5830, Wright Amendment Reform Act.

OVERSIGHT—AMERICANS WITH DISABILITIES ACT: SIXTEEN YEARS LATER

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing on The Americans With Disabilities Act: Sixteen Years Later. Testimony was heard from Naomi Earp, Chair, EEOC; former Representative Tony Coelho of California; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Held a 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. Testimony was heard from Jim Hughes, Deputy Director, Bureau of Land Management, Department of the Interior; Robin Nazzaro, Director, Natural Resources and Environment Team, GAO; and public witnesses.

OVERSIGHT—NATIONAL PARK VISITATION TRENDS

Committee on Resources: Subcommittee on National Parks held an oversight hearing entitled ''Visitation Trends in the National Park System—Part II.'' Testimony was heard from Chris Jarvi, Associate Director, Partnerships, Interpretation and Education, National Park Service, Department of the Interior; and public witnesses.

SECURE FENCE ACT OF 2006

Committee on Rules: Granted, by voice vote, a closed rule providing 1 hour of debate in the House on H.R. 6061, to establish operational control over the international land and maritime borders of the United States, equally divided and controlled by the Chairman and ranking minority member of the Committee on Homeland Security. The rule waives all points of order against consideration of the bill. The rule provides that the amendment printed in the Rules Committee report accompanying the resolution shall be considered as adopted. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representative King of New York.

PROVIDING FOR EARMARK REFORM IN THE HOUSE OF REPRESENTATIVES

Committee on Rules: Granted, by voice vote, a rule providing that upon adoption of the resolution, H. Res. 1000, as reported by the Committee on Rules, is hereby adopted.

EARMARK REFORM

Committee on Rules: Ordered reported H. Res. 1000, providing for earmark reform in the House of Representatives.

BORDER SECURITY TECHNOLOGY

Committee on Science: Held a hearing on How Can Technologies Help Secure Our Borders? Testimony was heard from the following officials of the Department of Homeland Security: Jay M. Cohen, Under Secretary, Science and Technology; and Gregory Giddens, Director, Secure Border Initiative Program Executive Office; and public witnesses.

OVERSIGHT—ALASKA PIPELINE CORROSION

Committee on Transportation and Infrastructure: Held an oversight hearing on Low Pressure Liquid Pipelines: In the North Slope, Greater Prudhoe Bay, Alaska. Testimony was heard from Thomas Barrett, Administrator, Pipeline and Hazardous Materials Safety Administration, Department of Homeland Security; and public witnesses.

GREAT LAKES RESTORATION AND PROTECTION

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on the Great Lakes Regional Collaboration Strategy—Can it be implemented to restore and protect the Great Lakes? Testimony was heard from Benjamin H. Grumbles, Assistant Administrator, Water, EPA; BG Bruce A. Berwick, USA, Commander, Great Lakes and Ohio River Division, U.S. Army Corps of Engineers, Department of the Interior; Charles Wooley, Deputy Regional Director, Great Lakes-Big Rivers Region, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

OVERSIGHT—VETERANS BENEFITS CLAIMS ADJUDICATORS

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held an oversight hearing on the training provided to Veterans Benefits Administration claims adjudicators and the standards used to measure their proficiency and performance. Testimony was heard from Michael Walcoff, Associate Deputy Under Secretary, Field Operations, Veterans Benefits Administration, Department of Veterans Affairs; and public witnesses.

NATIONAL STRATEGY FOR COMBATING TERRORISM

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to hold a hearing on the National Strategy for Combating Terrorism and the Evolving Terrorist Threat. Testimony was heard from departmental witnesses.

Joint Meetings

CARE FOR DISABLED IN ROMANIA

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded a hearing to examine Romanian governmental and non-governmental perspectives on the current state of care of persons with disabilities in Romania, after receiving testimony from Adrian Mindroiu, Director for European Integration, Government of Romania, and Cristian Ispas, Motivation Romania International, and Special Olympics Romania Foundation, both of Bucharest, Romania; and Eric Rosenthal, Mental Disabilities Rights International, Washington, D.C.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 14, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: 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.

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 Armed Services: closed business meeting to mark up the Military Commissions Act of 2006, 10:30 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: 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: Subcommittee on Aviation, to hold hearings to examine rural air service, 10 a.m., SR–253.

Committee on Energy and Natural Resources: 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: Subcommittee on Clean Air, Climate Change, and Nuclear

Safety, to hold an oversight hearing on Nuclear Regulatory Commission responsibility and capability for long- and short-term spent fuel storage programs, 9:30 a.m., SD–406.

Committee on Health, Education, Labor, and Pensions: 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: 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: to hear and 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: business meeting to consider S. 2831, to guarantee the free flow of information to the public through a free and active press while protecting the right of the public to effective law enforcement and the fair administration of justice, S. 155, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, S. 1845, to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, S. 394, to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), S. 2644, to harmonize rate setting standards for copyright licenses under sections 112 and 114 of title 17, United States Code, and the nominations of Terrence W. Boyle, of North Carolina, and William James Haynes II, of Virginia, each to be United States Circuit Judge for the Fourth Circuit, Peter D. Keisler, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit, William Gerry Myers III, of Idaho, and Norman Randy Smith, of Idaho, each to be United States Circuit Judge for the Ninth Circuit, Valerie L. Baker, to be United States District Judge for the Central District of California, Francisco Augusto Besosa, to be United States District Judge for the District of Puerto Rico, Philip S. Gutierrez, to be United States District Judge for the Central District of California, Marcia Morales Howard, to be United States District Judge for the Middle District of Florida, John Alfred Jarvey, to be United States District Judge for the Southern District of Iowa, and Sara Elizabeth Lioi, to be United States District Judge for the Northern District of Ohio, and other pending committee business, 9:30 a.m., SD–226.

Special Committee on Aging: to hold hearings to examine a generation at risk relating to senior suicide, 10 a.m., SD–562.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing to Review Federal Farm Policy, 10 a.m., 1300 Longworth.

Committee on Appropriations,, 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 Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''A Review of Regulatory Proposals on Basel Capital and Commercial Real Estate,'' 11 a.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled ''Part Two, Interior Department: A Culture of Managerial Irresponsibility and Lack of Accountability?'' 10:30 a.m., 2154 Rayburn.

Committee on Homeland Security, 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.

Subcommittee on Prevention of Nuclear and Biological Attack, hearing entitled ''The Science of Prevention,'' 2 p.m., 1311 Longworth.

Committee on House Administration, to mark up H.R. 4844, Federal Election Integrity Act of 2006, 10:30 a.m., 1310 Longworth.

Committee on International Relations, oversight hearing on Japan's Relations with Its Neighbors: Back to the Future? 10:30 a.m., 2172 Rayburn.

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,'' 10:30 a.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, hearing on H.R. 5388, District of Columbia Fair and Equal House Voting Rights Act of 2006, 2 p.m., 2141 Rayburn.

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 a.m., 2141 Rayburn.

Committee on Resources, 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.

Subcommittee on Forests and Forest Health, hearing on the following bills: H.R. 5690, Ouachita National Forest Boundary Adjustment Act of 2006; H.R. 5756, Colorado Emergency Wildfire and Insect Infestations Response Act of 2006; H.R. 5769, Washington County Growth and Conservation Act of 2006; and S. 447, Jornada Experimental Range Transfer Act of 2005, 1 p.m., 1324 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation,

oversight hearing on the Review of Coast Guard Mission Performance, 10 a.m., 2167 Rayburn.

Subcommittee on Economic Development, Public Buildings and Emergency Management, to mark up the following: H.R. 1105, Dam Rehabilitation and Repair Act of 2005; H.R. 4981, Dam Safety Act of 2006; H.R. 5026, To designate the Investigations Building of the Food and Drug Administration located at 466 Fernandez Juncos Avenue in San Juan, Puerto, as the ''Andres Toro Building;'' H.R. 1556, To designate a parcel of land located on the site of the Thomas F. Eagleton United States Courthouse in St. Louis, Missouri, as the ''Clyde S. Cahill Memorial Park;'' H.R. 5606, To designate the Federal building and United States courthouse located at 221 and 211 West Ferguson Street in Tyler, Texas as the ''William M. Steger Federal Building and United States Courthouse;'' H.R. 2322, To designate the Federal building located at 320 North Main Street in McAllen, Texas, as the ''Kika de la Garza Federal Building;'' H.R. 5546, To designate the U.S. courthouse to be constructed in Greenville, South Carolina, as the ''Carroll A. Campbell, Jr., Federal Courthouse;'' H.R. 6051, To designate the Federal building located at 2 South Main Street in Akron, Ohio, as the ''John F. Seiberling Federal Building;'' and the General Services Administration's Fiscal Year 2007 Capital Investment and Leasing Program, and other pending business, 1 p.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Global Updates/Hot Spots, 8:15 a.m., to be announced.

Next Meeting of the SENATE

9:30 a.m., Thursday, September 14

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 30 minutes), Senate will continue consideration of H.R. 4954, SAFE Port Act, with a vote on the motion to invoke cloture on the bill to occur at approximately 11 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Thursday, September 14

House Chamber

Program for Thursday: Consideration of H.R. 2965—Federal Prison Industries Competition in Contracting Act of 2006 (Structured Rule); and H. Res. 1000—Providing for Earmarking Reform in the House of Representatives (Subject to a Rule).

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