United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, THURSDAY, SEPTEMBER 7, 2006 No. 109

Senate

(Legislative day of Wednesday, September 6, 2006)

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by Father Costa Christo of the Holy Trinity Greek Orthodox Church, Wilmington, DE.

The guest Chaplain offered the following prayer:

Let us pray.

Be mindful, O Lord, of our civil authorities, of our Armed Forces by land, sea and air and of these God-crowned United States of America. Grant us peaceful times that we may lead a calm and tranquil life in all godliness and sanctity. Teach us to put away all bitterness and misunderstanding, all hatred and prejudice, that we may draw together as one family in Your caring embrace.

Bless and grant perfect health of mind and body to our esteemed Senators. Oversee them and protect them from every evil, adverse encounter, and distress. Direct their thoughts, Lord, in the way of truth, that they may enact, order, and enforce those things that are true, those things that are pure, those things that are just, tending toward all excellence and virtue. Grant unto them Your divine grace for their enlightenment to govern and lead the people of this Nation in the ways of righteousness.

Indeed, let them be Your instruments to bless our Nation and the entire world. For to You belong the kingdom, the power, and the glory, forever more. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 7, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, this morning the first 30 minutes of session will be devoted to a morning business period for Senators to make statements. Shortly after 10 a.m., we will resume our work on the Defense appropriations bill. We worked into the evening last night and voted on a couple of the pending amendments. Therefore, we will finish the bill during today's session. The two managers can update us when we return to the bill, but it is my hope we can finish the bill early today and move on to other business. I know I can speak for the chairman and say it is imperative we do not delay this defense funding bill any longer and we move toward passage quickly.

Several committees have been meeting on the issue of port security. We should be ready to begin that important Homeland Security bill next. We will have further updates during today's session as to the timing of finishing the Defense bill as well as the next order of business.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

WELCOMING THE GUEST CHAPLAIN

Mr. BIDEN. Mr. President, I rise this morning as a point of personal privilege to welcome a friend and leader in our community in Wilmington, DE. Father Christo opened the Senate in prayer this morning. It may be the only time the entire Greek community in Wilmington, DE, was tuned in to C–SPAN as we opened up the morning session. I want this Senate to know and I hope my colleagues will get a chance to meet Father Christo.

Many who were raised with a parochial education got an opportunity to meet religious teachers. The kind of guy one always looked for was Father. Father is a guy whom everyone knew was much smarter than you. You knew he was probably a better athlete than you were. You knew he had thought through whatever you were thinking of before you thought it. And you also knew you could go to him whenever you needed help.

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

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That is the role he continues to play with an adult parish in one of the most active communities in my State. The Greek-American community is small in our State, but it is extremely vibrant. Similar to many communities, the heart and soul of it is the church. The heart and soul of it is not only the spiritual center of the community, it is the political center of the community. I mean that in a nonpartisan way. It is the social center of the community. It is the community. It is the embodiment of community.

We have very important business this morning, and I will yield to my distinguished colleague, Senator CARPER.

I can say to Father, it is an honor to have him here this morning. I hope he has an even greater impression than I know he possessed when he came, of the majesty of this place. This is the people's Chamber. They talk about the people's House, this building, this Senate, all of the Capitol. Every time people come to visit, I remind them that this belongs to them. This is theirs. We are only here as hired hands for a while. I hope Father takes back to his parish the notion that there is an awful lot of good that can be done here.

I am delighted he took the time this morning to remind us of the relationship between temple, Government, and the spiritual leadership that comes directly and immediately from God. I thank him for that. I thank him for his generosity and leadership back home in our community beyond Holy Trinity. Thank you very much.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Mr. President, I add a couple of comments to the words of our colleague, Senator BIDEN, in welcoming Father Christo to the Senate Chamber today.

We are proud of our Constitution. Delaware was the first State to ratify the Constitution of our country. The Constitution calls for separation of church and state. Some people may find, given that as our heritage, it is unusual we begin each of our sessions in the Senate with an opening prayer.

Today, we are honored for all in Delaware, for everybody in the Greek community in our State, and everyone in the country, to be able to welcome one of our own to open the Senate in prayer.

I am struck by the number of times I talk to people in my State and around the country who say: We pray for you—not just me as an individual but for us as a collective body, as we meet. I always say: We welcome your prayers; keep praying. We certainly need those prayers.

I asked my staff to give me a little bit of background on Father, to say a few words. I have 10 pages of accomplishments. What a remarkable tale of accomplishment—and still a young pup.

I am honored you are here. Thank you for coming and starting our day on the right foot.

I would say to those people from other States, in talking to the Presiding Officer before the session began, he was asking where the Greek Church is in our State. If you come through Delaware on I–95, and a lot of people do, in the early part of June, you get off on Pennsylvania Avenue and head north a couple of blocks, make a left turn on Broom Street, you will find the Greek Church. They hold a great festival there. It is not only a church where people go for their souls, but three nights in the early part of June you can go there and enjoy great Greek food, dance, and drink. It is a wonderful time of fellowship with people who are Greek their whole lives and people who are Greek for a night or two.

We are honored by your presence, Father, and thank you for embracing us and thank you for your warm and wonderful prayer.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent for 15 minutes to speak in morning business.

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

HONORING OUR ARMED FORCES

CPL PHILLIP BAUCUS

Mr. BAUCUS. Mr. President, west of Baghdad in Iraq's Al Anbar Province, the 3rd Light Armored Reconnaissance Battalion of the 1st Marine Division rested for the night. On Saturday, June 29, a suicide bomber crashed his vehicle into a barrack. The structure collapsed. Four marines died. Among them was a 28-year-old corporal named Phillip Baucus. He is my nephew.

When I first took my wife Wanda to the family ranch many years ago, about 23, young Phillip, 5 or 6 years old, received Wanda. He walked up to Wanda and said: Wanda, welcome to the ranch. He had a wildflower in his hand and he gave it to Wanda. That is how he was.

Wanda and I had the sad duty at Dover Air Force Base to receive Phillip's casket. When we asked, they said, no, we could not touch his casket, but they reconsidered—the colonel did—and said, yes, it was all right for Wanda and let Wanda touch Phillip's casket. Beneath the flag that draped the casket, Wanda slipped a wildflower. That is how she is. North of Helena, in Montana's Lewis and Clark County, Phillip came to his final rest. On the afternoon of Sunday, August 6, more than 500 Montanans gathered under the willow trees of the family ranch to remember Phillip.

A Chinook helicopter flew overhead, a massive American flag draped below it. White doves were released into the sky. A bagpipe played ''Amazing Grace,'' and the ''Marine Corps Hymn.'' Bugles played ''Taps.'' The funeral ended with a family tradition, a tradition that Phillip loved. We packed 2 pounds of black gunpowder, fired an anvil weighing about 60 pounds several hundred feet into the air. It fell to the ground with a heavy thud.

Marines folded the flag that had covered Phillip's casket into a triangle and handed it to his widow Katherine. Phillip and Katherine had been married at that very same place less than a year before. Phillip's Marine colleague, Sergeant Raymond Rios, spoke to Phillip saying: ''Baucus, you will always be here with every shadow, the sun shining and the trees blowing.''

My brother John and I planted two trees there a few weeks ago on the ranch in memory of Phillip. They will blow in the winds and grow in the sun there in his memory. It was at that ranch where he was laid to rest on the same mountain where my father lies.

In the days since, I have been moved by the hundreds of handwritten notes I have received from Montanans, friends, and colleagues. I have been moved by these many tributes. In the Native American culture there is no greater honor than dying for your community, being a warrior. American Indians have answered this country's call to service in numbers far greater than their fair share of the population. When injured or killed in war, Native American service men and women are honored as fallen warriors. Their praises are sung before every powwow and special occasion.

I visited several Indian tribes last August. Time after time, I was honored when the tribal leaders honored Phillip as a fallen warrior. Following one tribal council meeting, an elderly grandmother asked if she could honor Phillip. She told me she had two grandsons in Iraq. She wanted to express her condolences to my family. She had made a quilt with the American flags interspersed throughout the quilt for the fallen warrior. She asked me to turn around. And reaching on her tiptoes, she draped the quilt around my shoulders. Then she embraced me.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 3865 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BAUCUS. I yield the floor.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. REID. Mr. President, coincidentally, coming to the floor this morning, I signed two letters of condolences to families, one in northern Nevada—Silver Springs, NV—and one in Las Vegas, NV, to parents who lost young men in Iraq during the last week or so. I have signed lots of these letters for Nevadans, but signing one of these letters in the future will never be the same after listening to my friend from Montana.

When I first learned of Phillip's death, I said on the Senate floor: MAX BAUCUS has a son. I know him, a wonderful young man. But this nephew of Senator BAUCUS was like his second son. So in the future, when I sign these letters, I will think of MAX BAUCUS because it is easy, it is human nature, to

feel sorrow when we sign these letters and see these names—approaching 2,700—but when you have actually experienced the loss, I know, having witnessed the distress my friend has gone through, I repeat, signing that letter to one of these families will never be the same.

So I say to Senator BAUCUS, who is part of the Senate family, one of the senior Members of the Senate, the thoughts of every Senator go out to you, MAX. And you did today what your heart said you should do. I wish we could convey to everyone in America, through you, what is going on in our country and what sacrifices families are making. We have to make their sacrifices stand for something.

Again, it is wonderful to have MAX BAUCUS as our friend. And more especially to me, on a personal note, it is important he is my friend.

Mr. BAUCUS. Mr. President, I thank my very good friend from Nevada. I thank you very much. And I thank all my colleagues very much. We are one big family here in the Senate and in the country, and we are a great country. We will see our way through all this.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we have just heard a very powerful and moving statement from the senior Senator from Montana, and we all understand he has suffered a deep and personal loss. I heard about the very close relationship Senator BAUCUS had with the nephew he lost, and he should know that his friends and his colleagues share that loss, that we grieve with him and we grieve with the family, that we especially appreciate the very moving statement he made.

It is our obligation—it is our obligation—to make certain these losses mean something and that, in the end, our country is successful against this threat.

I think every Member of this Chamber recognizes there is a real threat to our Nation and that we owe a deep debt of gratitude to those who answer the country's call, who come forward and serve when they are asked. This Nation owes much to those who have sacrificed, and we should never forget it.

Senator BAUCUS, you should know that your friends and your colleagues—this is a family—mourn with you and grieve with you and your family.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the time for morning business allotted to the minority has expired. The majority controls 15 minutes.

Who seeks time?

The Senator from Kentucky.

NATIONAL SECURITY

Mr. BUNNING. Mr. President, I rise today to discuss the issue of national security. Safety and security of the American people must be our Government's top priority, and we must not lose sight of the threat that faces our Nation. As we approach the anniversary of the attacks of September 11, 2001, I wish to remind all Americans that these were acts of war against the United States.

Since then, the United States and our coalition partners have fought back.

Despite what some might say, we have seen many successes. We have dismantled al-Qaida's terrorist network in Afghanistan and helped democracy rise in its place.

We are working with our allies to secure a united, stable, and democratic Iraq.

We have led an international campaign against terrorist financing, freezing over $1.5 billion in terrorist assets in the United States alone.

Since September 11, there have been no terrorist attacks or acts on American soil. Our intelligence system has prevented 15 major terrorist plots that we know of and likely many others that are undisclosed. We have convicted over 261 defendants in terrorism-related cases and charged more than 180 others.

While we are continually working to make America safer, we still face serious threats from our enemies both at home and abroad.

To win the war against the Islamic fascists, we need an effective intelligence system that is lawful but also provides us with the necessary information to prevent attacks before they occur.

Only last month we were once again reminded that there are people out there who want to kill us and what we stand for. Fortunately, with the help of our British allies, we were able to prevent the terrorists from killing innocent civilians. These threats are real, this war is real, and the outcome will be determined by the action of our Congress and our people, and it will determine the future of our Nation.

This war is unlike any other war we have ever fought. It is both a battle of arms and a battle of ideas. This war of ideology is not an easy one and requires an advancement of freedom.

I know it is often difficult to turn on the news and hear reports from Iraq and Afghanistan and question what type of effective democracy we have in place. Have we so quickly forgotten the image 9 months ago of Iraqis waving their blue fingers in the air after they had voted in the first free elections in their nation's history? Have we forgotten the images of women and children sitting in classrooms in Afghanistan, free to learn without the fear of persecution or execution?

These are images I will never forget. They are images of democracy at work.

Just this morning we saw democracy at work when coalition forces in Iraq handed over control of the Iraqi armed forces to the Iraqi Government.

Effective democracies do take time and hard work. They cannot be created overnight, but in the end they combat the ideology of Islamic fascists.

These terrorists recognize this and because of it are willing to kill innocent people to stop the spread of freedom.

I urge my colleagues not to let them succeed in their efforts and to join me in maintaining a united front against these terrorist nations and the terrorists across the world as we press ahead with important national security legislation in the coming weeks.

While we may disagree about different policies in our war against these terrorists, we must not lose sight of what is at stake for our country. We owe it to future generations—my 35 grandkids, 4 great-grandkids, 9 children, and their spouses—we owe it to all Americans because the cost of failure is too great.

I, for one, will not back down from the challenges and look forward to working with my colleagues on this matter.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Mississippi.

Mr. COCHRAN. Madam President, I am pleased to join my colleague from Kentucky in commenting this morning during morning business on our efforts to protect against the continuing threats to our Nation, specifically protecting ourselves against the continuing threat from terrorists.

I am pleased to see President Bush in recent days presenting to the American people and the world what the facts are, what we have achieved in our efforts to defend our country against the terrorist acts and to protect against those who would harm American citizens around the world.

I am pleased to see that we have the strong leadership of the President on this issue and those who are working with him in the administration to carry out his policies and the policies we have identified here to support through votes in the Senate and the House.

Secretary Rumsfeld has come under a lot of criticism recently. Many people have been making speeches, calling for his resignation. I think he has done a good job. I think he has been a solid performer to carry out the mission that we have to perform to succeed in the war on terror.

The Congress has approved appropriations bills, authorizations for the work that is being done in this very difficult and challenging area. We now have before us in the Senate another appropriations bill providing funds for the Department of Defense. We have a bill that has been approved by our Appropriations Committee funding the Department of Homeland Security. In both of these measures, we have outlined an aggressive effort that should be carried out by our Government to protect our country, and the efforts that we have made and the administration has made are working. They are doing a great job.

Recent events in England have shown us how difficult the challenge is for other countries and how sometimes preemptive and decisive action is needed in order to protect the citizens of England and our country as well. We applaud the close working relationship we have with them. We benefit from their efforts, and we are grateful to them for the courage and the skill they have shown in this war on terror.

The Congress should continue to support the administration, not take advantage of opportunities for political bickering, partisan nitpicking—whatever one might want to call it. I think we need to take a higher ground in this debate and discussion of what our options are for protecting our country and our people. We don't need the constant drumbeat of partisan criticism against the President and the Secretary of Defense.

I think we should consider instead the impressive success of our soldiers, their courage, and the courage of their leaders and the skill of their leaders in mobilizing the resources of our country to guarantee success in the war on terror.

Just consider what is going on in Iraq right now. Madam President, under the leadership of President Bush and Secretary of Defense Rumsfeld and GEN George Casey, our outstanding commander who is responsible for the multinational force that is in Iraq today, we are successfully helping Iraq organize, equip, and train their forces so they can take care of their own security interests.

Iraqi security forces are now in the lead and responsible for almost 75 percent of the military obligations and challenges that are faced today in Iraq.

There are currently 5 Iraqi divisions, 26 brigades, and 88 battalions that are in the lead in their areas of responsibility in Iraq.

More and more of the land area in Iraq is now under the control of Iraqi's own security forces, supported, of course, by coalition government troops who are there as well.

The other day, at a news conference in Baghdad, General Casey explained that he can see U.S. troop reductions in Iraq over the next 12 to 18 months because Iraqi security forces are progressing to a point where they can take on the security responsibilities of the country.

We have seen a significant step being taken when the Iraqi Ministry of Defense announced it is assuming direct operational control over the country's Armed Forces. That announcement was made today. The Iraqi joint headquarters, under the direction of the Ministry of Defense, will be fully responsible now for the Iraqi Air Force, the Iraqi naval force, and the Iraqi ground forces command.

These are facts, Madam President, which we ought to consider and applaud, and our Government and our Department of Defense and our soldiers deserve credit for the successes they have achieved and the strong leadership that has been provided to them.

The United States and coalition forces have gradually turned over other security operations in Afghanistan, for example, to NATO forces. This has been a very impressive feat of leadership to bring together the forces of NATO originally responsible for European defense and now enlarged to include areas of concern to other NATO countries in what had been previously considered out-of-area interests.

NATO forces have taken control of the International Security Assistance Force in the north, west, most recently in the south, and now are making progress in the east to achieve control and success in defending the security of the people of Afghanistan.

There are 37 nation states involved in this effort. We ought to applaud the President, and we ought to applaud the Secretary of Defense for the successes they have achieved in moving us to this point in our dealings with Afghanistan. We have liberated Afghanistan. The Russians had experiences there. We recall their failures and the dangers that continued under the Taliban—the deprivation of rights, particularly of women and children. No schools were available. Now we have moved into a new area of freedom and hope because of the work that these 37 nations have achieved under U.S. leadership and with the U.S. military very actively involved.

So today I am pleased to say to the administration and the Secretary of Defense and the President specifically: We are proud of the work you are doing. We are going to continue to support you by providing the funding you need to carry out your missions and protect our country against terrorists and the other threats that we have looming on the horizon.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, how much time is remaining in morning business on our side?

The PRESIDING OFFICER. There is only 15 seconds remaining.

Mr. BROWNBACK. Madam President, I ask unanimous consent to speak for up to 5 minutes as in morning business. I want to speak about the Iranian President who is going to be in Washington speaking today.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. There is no objection on our side.

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

IRAN

Mr. BROWNBACK. Madam President, I thank my colleagues for this opportunity to speak.

Later today, President Khatami of Iran will be speaking at the National Cathedral. I hope he is asked and he answers a number of questions about what happened during his reign of terror in Iran.

President Khatami was the President of Iran, the lead sponsor of terrorism around the world.

President Khatami was President of Iran, a country that seeks to have the United States bow down in front of Iran and to Iran.

President Khatami worsened the human rights record in Iran to its own people. As we speak right now, a press conference is going on at the National Press Club of Iranians who have somehow gotten out of that country who were tortured under President Khatami and President Ahmadi-Nejad, the current President of Iran.

I hope that as we deliberate the Department of Defense appropriations bill, we recognize this threat. This is a country, Iran, that seeks to destroy Israel, seeks to attack and destroy the West, seeks to have us bow down. I will read the quote from President Ahmadi-Nejad that he said in July. He called on America and the West to bow before Iran saying:

> If you would like to have good relations with the Iranian nation in the future, bow down before the greatness of the Iranian nation and surrender. If you don't accept to do this, the Iranian nation will force you to surrender and bow down.

Those are his words. We will not bow down. We are in a war on terrorism. We are in a war against Islamic fascism, which this is a statement of. I hope we recognize that. In the war on terrorism, terrorism is their tactic, and they use it through Hezbollah and Hamas, which Iran is supporting and operating. They direct it at us. We have to confront this and we have to confront this Islamic fascism. What they seek to establish is a militant dictatorship, an Islamic fascist dictatorship. This group has an object. They don't just wander around. Step 1 is to remove the United States from the Middle East. Step 2 is to establish an Islamic caliphate. This is an Islamic dictator over an entire region—a Shia crescent over an entire region of the world. These are his words. This is what they seek. They seek a nuclear weapon to be able to threaten the region, to be able to use in this region. Ayatollah Khamenei, the lead sponsor and organizer of the current Islamic Republic, in 1979, removing the Shah, came in and said if we destroy Israel, Allah will reward us. This is a governing theological philosophy that has not been walked away from by the current leadership in Iran. Let's listen to the words they say themselves.

Former President Khatami is going to be speaking in Washington, DC, tonight. He said in October 2000:

> If we abide by the Koran, all of us should mobilize to kill.

This is October 2000. He should be asked, does he still believe that statement or support that statement.

Today, I will be introducing the Iran Human Rights Act, legislation designed to focus our attention on the

human rights abuses taking place in Iran today and support the efforts of the Iranian people to enact peaceful, democratic reforms.

While we have been focusing on the nuclear weapon development by the Iranians and on their support for terrorism, we should not forget about the plight of the Iranian people and their difficulties under this regime. The bill creates a special envoy to focus on human rights abuses in Iraq and to work with groups who support human rights and democracy in Iran.

The bill provides financial supports to these groups supporting human rights and that are working toward democracy in Iran. Finally, it ensures that the United States broadcast into Iran emphasize U.S. support for the rights and well-being of the Iranian people. We need to focus on the nuclear weapons, and we also need to focus on the rights of the Iranian people being abused by this regime. It is also my hope that we will grant visas to this country to professors being kicked out of universities in Iran because they don't tow the line of the ruling clerics in that country. Currently, the universities are being purged in Iran of the dissident voices of these professors.

We stand with the Iranian people. We stand against this Iranian tyrannical regime. I hope we can move this legislation forward to show our support for the suffering people. I ask the people who go to the meetings where President Khatami is speaking to ask these questions:

Why did he support terrorism? Why did the human rights record get worse under his 8 years of leadership in Iran? Why do they persecute religious minorities and women? Why do they persecute those who have peaceful protests inside Iran? Why does Iran need to enrich uranium when they have plentiful oil and gas supplies? These are serious questions in serious times.

I hope that as we consider this Department of Defense bill, we will consider what the words of those who have vowed to destroy us are and that we take appropriate action against them.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5631, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

Pending:

Rockefeller amendment No. 4906, to strike the section specifically authorizing intelligence and intelligence-related activities.

Mr. STEVENS. Madam President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from West Virginia, Mr. ROCKEFELLER.

Mr. STEVENS. I ask unanimous consent that that amendment be set aside in order to consider the amendment to be offered by the Senators from North Dakota.

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

The Senator from North Dakota, Mr. CONRAD, is recognized.

AMENDMENT NO. 4907

Mr. CONRAD. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself, Mr. DORGAN, Mr. SALAZAR, and Mr. MENENDEZ, proposes an amendment numbered 4907.

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

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

The amendment is as follows:

(Purpose: To enhance intelligence community efforts to bring Osama bin Laden and other key leaders of al Qaeda to the justice they deserve)

On page 230, beginning on line 15, strike "$19,265,000" and all that follows through line 16 and insert the following: "$219,265,000, to remain available until September 30, 2008: *Provided*, That $200,000,000 of such funds is available only for a unit dedicated to bringing to justice Osama bin Laden and other key leaders of al Qaeda: *Provided further*, That the Secretary of Defense shall, not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, submit to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a classified report on progress made by the operations in the global war on terrorism for which funding is provided in this Act, including an assessment of the likely current location of terrorist leaders, including Osama bin Laden and other key leaders of al Qaeda, a description of ongoing efforts to bring to justice such terrorists, a description of the cooperation provided by the governments of any countries assessed as likely locations of top leaders of al Qaeda and by other relevant countries, a description of diplomatic efforts currently being made to improve the cooperation of any such governments, and a description of the status of, and strategy for bringing to justice, perpetrators of terrorism including the top leadership of al Qaeda: *Provided further*, That the Secretary of Defense shall prepare such reports in consultation with other appropriate officials with regard to funds appropriated under this chapter: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234."

Mr. CONRAD. The amendment is on behalf of myself and Senators DORGAN, SALAZAR, and MENENDEZ.

Five years ago, our Nation was viciously attacked by al-Qaida. We all remember the horrific images from that fateful day. I remember so well arriving at the Capitol building for early morning meetings and, as we entered, security personnel ordered an evacuation. Those of us who were evacuated from this building went back to our offices and were again evacuated there, as there was a belief that there was a potential threat to the Capitol complex. Later on, we saw the results of the attack. We saw people jumping from the World Trade Center. We saw the attack on the Pentagon. We did not know, in the early hours, who was responsible, but we knew the world had changed.

I remember very well that night, as Members of Congress stood on the steps of the Capitol showing that we were shoulder to shoulder in defense of America. That night, there were no Republicans, there were no Democrats; there were just proud Americans on the steps of this Capitol, men and women elected to represent our individual States here in this Capitol. In the 20 years I have been in this Chamber, I never saw such unity, such a sense of purpose that we would not let these acts stand and that those who were responsible would be held to account.

We need to renew that spirit. We need Democrats and Republicans standing together to bring to justice those who were responsible for these horrific acts. In this photo is the man who planned, financed, and organized those operations, Osama bin Laden, the head of al-Qaida. It has now been over 1,800 days since those attacks, and this man is still on the loose. This man has still not been brought to justice. I believe it is one of our Nation's highest priorities that he and the other top leadership of al-Qaida be brought to justice. I include Mr. al-Zawahiri. I think we also know that Mullah Omar, the leader of the Taliban in Afghanistan, has not been apprehended and brought to justice either.

To me, this is centrally important to the war on terrorism. We have to get the terrorist leaders who designed the attack on our country. I say to my colleagues that I graduated from high school from an American military base in Tripoli, Libya, North Africa, Willis Air Force Base. I had relatives who were in the intelligence service of the United States who served in that part of the world as well. One thing I learned when I was in that part of the world is that if a fight started, you better get the leaders and you better get them quick; otherwise, it mushroomed and escalated. My experience was very minor. It was on the basketball court, where we would have shepherds periodically come and start throwing

stones. We found out early that you better get a stone and you better nail a couple of their guys or the thing got worse. I think all of us who have studied the Arab world know that in that culture, if somebody attacks and is not held to account, that person grows in stature in that culture.

We have to hold to account Osama bin Laden, al-Zawahiri, and all of the rest of the al-Qaida leadership. I think that is absolutely critical for success in the war on terror. Osama bin Laden continues to call for attacks on us. We are now seeing a Taliban resurgence in Afghanistan. Last month, we saw a plot that may have been orchestrated by al-Qaida to blow up airliners flying between Britain and the United States. Unfortunately, the latest intelligence—and this is not classified, so I am not disclosing any state secrets here—according to the National Institute for the Prevention of Terrorism, the number of al-Qaida operatives worldwide has grown from 20,000 in 2001 to 50,000 today.

Some of our colleagues have likened this to World War II. I don't believe that. This is not like World War II. This is fundamentally and profoundly different. In World War II, we had Hitler Germany attempting to achieve world dominance. In World War II, we had a state, the nation of Germany, attacking its neighbors, seeking hegemony throughout Europe and beyond. We had Germany attacking its neighbors. We had Germany on the move against Great Britain. We had Germany with its allies attacking the Soviet Union. That was profoundly different than a network of terrorists spread in over 70 countries around the world seeking to weaken our country. That is a profoundly different circumstance than we faced in World War II. In World War II, we faced the sneak attack by Japan on the United States, and Japan being allied with Germany in a move to achieve world dominance. That is a profoundly different circumstance than the one we face today. And if we don't adapt our methods and tactics and strategy, we will be less successful.

It is critical that we have this debate, and it should not be a partisan debate. To me, this is not a matter of Republicans and Democrats; this is a question of how does our country succeed in this battle against terrorism? How do we best succeed? My own conviction is, it starts with this man. It doesn't end there, but it starts here. Osama bin Laden has got to be brought to justice. Mr. Zawahiri has got to be brought to justice. Mullah Omar has got to be brought to justice. And I don't question—I don't question the intention of this administration to attempt to do that, but I do note that it has now been 5 years, and there has been a failure to get those who organized the attack on our country. That is a fact. And we need to deal with that fact and we need to adopt new methods, new strategies in order to achieve success. That is my conviction.

These are things that disturb me greatly. In March of 2004, USA Today reported:

> In 2002, troops from the fifth special forces group who specialize in the Middle East were pulled out of the hunt for Osama bin Laden to prepare for their next assignment: Iraq. Their replacements were troops with expertise in Spanish cultures.

Let's think about that a minute. After Osama bin Laden, who led the attacks, we put in special forces to find him who were experts in Arab culture and in Arab languages. But when we diverted our attention and moved to Iraq, we pulled those forces out of Afghanistan in the search for Osama bin Laden and replaced them, according to these news reports, with troops with expertise in Spanish culture. There aren't many Spanish speakers or much Spanish culture in Afghanistan. I think this was a profound mistake.

The article goes on to say:

> The CIA meanwhile was stretched badly in its capacity to collect, translate, and analyze information coming from Afghanistan.

When some say the center of the war on terrorism is Iraq, I think they have it wrong. The center is in Afghanistan where Osama bin Laden and Zawahiri have been located. I am not saying I know that they are located there now. We know they were located there; perhaps they are somewhere else at this point. But at the time we shifted our focus, I believe it was a mistake. I believe we ought to have focused like a laser on the leadership of al-Qaida. Al-Qaida attacked us; not Iraq. There wasn't a single Iraqi on those airplanes that crashed into the World Trade Center. There wasn't a single Iraqi on the plane that hit the Pentagon. There wasn't a single Iraqi on the plane that went down in Pennsylvania. They were al-Qaida operatives led by Osama bin Laden, not Iraqis led by Saddam Hussein.

I might add that once we took our eye off the ball in getting the terrorists and instead went to Iraq, we have now unfortunately freed up Iran for all kinds of troublemaking in the Middle East. Iran is behind the operations of Hezbollah in Lebanon. Is there any doubt that they are the financial muscle behind that operation? This is a battle. It is a battle that is critically important to our Nation's security, and we have to fight it in a smart and disciplined and focused way if we are to succeed. That is my belief.

Now we learn that the CIA has closed the unit that is focused on the capture of Osama bin Laden. This report from July of this year says:

> The Central Intelligence Agency has closed the unit that for a decade had the mission of hunting Osama bin Laden and his top lieutenants. The unit, known as Alec Station, was disbanded late last year and its analysts reassigned within the CIA Counter-Terrorist Center.

The article goes on to say:

> In recent years, the war in Iraq has stretched the resources of the intelligence agencies and the Pentagon, generating new priorities for American officials.

I believe the priority remains getting those who attacked us. It wasn't Iraq that attacked us; it was al-Qaida that attacked us, and it is critically important we hold them to account.

On August 21, the President said this:

> The terrorists attacked us and killed 3,000 of our citizens before we started the freedom agenda in the Middle East.

He was then interrupted by a reporter who asked:

> What did Iraq have to do with that?

The President:

> What did Iraq have to do with what?

The reporter:

> The attacks upon the World Trade Center.

The President:

> Nothing.

That is correct, nothing. We know from the 9/11 Commission Iraq was not involved in the attacks of 9/11. It was al-Qaida—al-Qaida led by Osama bin Laden. That is where we have to focus. And this, to me, is not a political debate. This is a question of the strategic policy of the United States. How do we best defend America against those who have already attacked us and intend to attack us again? I would submit the first thing we have to do is get the leadership of the organization that is worldwide in scope, that seeks to take us down. Make no mistake, this is a battle with real consequences, and we have got to fight it in the smartest, most effective way.

It has now been 1,823 days since Osama bin Laden attacked us. Madam President, 1,823 days; that is a long time. That is nearly 5 years. The President just issued a new intelligence estimate and analysis. There is only one mention of Osama bin Laden in that document, and it is a reference in passing.

I don't think it should be a matter that is mentioned in passing. I deeply believe we have to refocus and we have to go after, in a disciplined and dedicated way, the leadership of al-Qaida, starting with Osama bin Laden, going to Zawahiri, and right down the list. I applaud those successes that we have had in getting Zarqawi and others. Thank God for that. But we have got to get those at the top.

This amendment adds $200 million to the intelligence budget for a unit explicitly dedicated to bringing Osama bin Laden and other top al-Qaida leadership to justice. The second part of this amendment requires a classified report every 90 days on activities of our Government related to bringing Osama bin Laden to justice. A classified report because, obviously, we don't want to signal the game plan.

This is the amendment that I offer, and I thank my colleagues who have cosponsored it with me: Senator DORGAN, my colleague from North Dakota; Senator SALAZAR from Colorado; Senator MENENDEZ from New Jersey; and now I am informed that additional Senators have asked to join, including Senator LINCOLN of Arkansas, Senator KERRY of Massachusetts, and Senator OBAMA of Illinois.

I ask unanimous consent to add them as original cosponsors of the amendment.

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

Mr. CONRAD. Madam President, I yield the floor.

Mr. DORGAN. Madam President, Senator CONRAD and I have, over the last 2 days, talked about the need for an amendment of this type to be offered to the Defense appropriations bill. We have talked about several different ways of offering this amendment and the circumstances that require us to come here and draft an amendment and offer it to our colleagues. This amendment represents some discussions, as well, with colleagues. I want to say that almost all of that which persuaded us to do this has now been described by my colleague, Senator CONRAD.

He talked about 9/11 2001. I recall going to Ground Zero in New York as the fire was still burning, smoke coming out of the wreckage of the World Trade Center from the bombing of the trade center by the terrorists and the murder of 3,000 innocent Americans. And as we toured just several days after those terrorists had hit the World Trade Center in New York, and the smoke was still billowing out of that twisted steel wreckage, one of the grizzled firefighters who had not shaved for several days, obviously had not slept, had bloodshot eyes, came up to me as we were touring—a group of Senators—and he said to me: ''Get 'em. Ya'll have to get 'em. If you don't get 'em, they are going to do it to us again.''

Having worked in this wreckage of the World Trade Center and having seen the carnage and the bodies, what he meant was that if we don't get those who did this, they will repeat it. That firefighter was speaking with a real passion, a passion that I think is shared by the American people. That passion was shared on that day and it is now, today.

That attack on 9/11—my colleague showed a picture of it—was with commercial airplanes loaded with fuel used as weapons. The New York Times ran a piece on August 11, 2004, by Nicholas Christoff, about a book by Harvard professor Graham Allison called ''Nuclear Terrorism.'' Allison told a story in this book that exactly 1 month after 9/11, on October 11 in 2001, aides told President Bush that a CIA source named Dragon Fire had reported that al-Qaida had obtained a 10-kiloton nuclear weapon, apparently stolen from Russian stockpiles, and had smuggled it into New York City, and al-Qaida terrorists were now prepared to detonate it. This is described in some detail in the book.

The CIA apparently found this report plausible. They knew that apparently Russia had small 10-kiloton nuclear weapons. Russia was reported to have lost some nuclear materials. Al-Qaida had made a determined effort to acquire them. The CIA had apparently picked up al-Qaida chatter about an ''American Hiroshima.'' This issue was taken very seriously in October of 2001. Later it was determined the lead by the agent named Dragon Fire was a false lead. But in retrospect of this issue, all of those who evaluated it determined it could well have been true.

It is not implausible that a nuclear weapon could be stolen. After all, there are some 30,000 nuclear weapons on this Earth. It is not implausible that having a nuclear weapon stolen by a terrorist group, it could be detonated. And it is certainly likely they would attempt to detonate a nuclear weapon in the center of a major city, especially a city in the United States.

I describe that only to say these issues are critically important. Yes, 9/11 breaks our heart—all of the innocent Americans killed by acts of terrorism. But that will be an event that will be small by comparison if, in fact, a nuclear weapon is acquired by a terrorist group like al-Qaida and detonated in an American city in the future.

There are responsible people who have said they believe there is a very substantial likelihood such an event could or will happen in the next 10 years, unless this country provides the leadership to stop the spread of nuclear weapons, stops the proliferation of nuclear weapons and does everything necessary to keep nuclear weapons out of the hands of terrorists.

The evil of terrorism requires and demands a unified American resolve. As my colleague has previously said, when it comes to fighting terrorism, there are no D's or R's, there are no Republicans or Democrats, conservatives or liberals, there are only Americans resolved to confront this evil.

We are determined to confront and defeat those who are intent on murdering innocent people in the name of terrorism. We fight terrorism to preserve freedom, but we betray rather than serve our freedom if we turn a blind eye to the actions which will diminish the very freedoms we cherish, even as we confront the actions of terrorists. As we wage this fight against terrorism, we do not serve the interests of our country by labeling others who may disagree with strategies as appeasers, of the type who appeased Nazism. That does not serve America's interests either.

I have heard colleagues today come to the floor to lament that there have been some criticisms of Administration strategies. Let's all understand no one is perfect. Big mistakes have been made. Mistakes, and big mistakes, have been made, both with respect to Iraq and also with respect to the war against terrorism.

In Iraq, we discovered later there were no weapons of mass destruction. There was no yellow cake from Niger. The aluminum tubes were not for the purpose of building a nuclear capability. There were no mobile chemical weapons labs. Would we be treated as liberators as was suggested? No. It turns out that was not the case.

Were mistakes made? Two days ago, a young fellow who left law school after 9/11 to enlist in the Army to go to Iraq told me that when he got to Iraq his mother, an elementary schoolteacher, had to go on the Internet to buy body armor to send it to him. Were mistakes made? You darned right mistakes were made. Mistakes were made. Let's understand that. Recognizing and understanding that and admitting it allows us to decide not to make those mistakes again.

All of us are here to support our soldiers in their fight against terrorism, in their mission in Iraq. Let me say, as an aside as well, that the violence and terrorism in Iraq does have an al-Qaida component; it does. But by far the bulk and the majority of the violence and terrorism in Iraq is Iraqi upon Iraqi, Sunni upon Shia, Shia upon Sunni. There was not an Iraq connection with al-Qaida prior to the war in Iraq.

Having said all of that, with respect to the broader war on terror, when we open the newspaper this morning and we see the front page of the Washington Post—and I suspect every other daily paper in this country—and we see the pictures of terrorists who will now be transferred to Guantanamo and be brought to justice, all of us say to the President it is the right thing to do. We support that. Yes, this is progress. We understand that progress and we salute it.

My colleague and I believe there is more to do, however. When we talk about the war against terrorism and we talk about al-Qaida and those who have orchestrated the vicious terrorist attacks that have murdered so many innocent people in this country and around the world, the point is there is one person who is the head of that organization, who has admitted ordering the attacks against this country. That is Osama bin Laden. It is 5 long years since 9/11, 2001, and Osama bin Laden is still here.

The President, day before yesterday, mentioned Osama bin Laden 17 times in his speech of 45 minutes. That is appropriate to do, although I might observe Osama bin Laden has not been mentioned at all with respect to the war on terror by anyone in the Administration for some long while until a couple of days ago. But I want to describe why I think there is an urgency here and why my colleague, Senator CONRAD, and I put together an amendment and are offering it to this bill.

I have a record here going back to December 13, 2001—it is about eight pages of Osama bin Laden talking to us, in America, talking to people in the rest of the world, and talking to al-Qaida, his organization. It is December 13, 2001; November 2, 2002; February 11, 2003; February 13, 2003; April 7, 2003; September 10, 2003. I shall not go through the rest of it. But I want to talk about this year. Just this year we have heard from Osama bin Laden on 5 occasions. This chart shows January 19 this year. This is from the news report

that evening, Osama bin Laden speaking to the people of the United States and the people of the world. That is the first message this year.

Here is the second message, Osama bin Laden speaks again, the head of al-Qaida, 5 years after 9/11. On April 23, he issues his second tape of the year.

May 23, this year, once again the news reports:

Bin Laden boasts of masterminding the 9/11 attacks.

I was responsible for entrusting the 19 brothers. Those 19 who attacked this country.

June 29 of this year, another news report, the fourth tape of the year by Osama bin Laden.

July 1, this year, the fifth tape of the year by Osama bin Laden.

We are talking a lot about the war on terrorism. We are talking a lot about al-Qaida. This is the head of al-Qaida. This is the leader of that terrorist group. This is the person who says he masterminded the attack against this country, and 5 years after that attack he is still sending us messages—five of them in this year alone. My colleague and I do not question anyone's commitment to doing the right thing. That is not the purpose of our amendment. My colleague, Senator CONRAD, and I believe, however, that it is important as we put together a piece of legislation providing funding for the Department of Defense, for the war against terrorism, that we decide on focus and priority with respect to one issue and that is bringing to justice the head of an organization that attacked this country and is determined to attack this country again.

The amendment we have offered is not a particularly complex amendment. It simply does two things. It asks that the unit in the CIA, our intelligence community, that used to exist but was closed be reconstituted. Let me describe that unit. I will describe it by a New York Times, July 4, story. The lead of the story is:

The Central Intelligence Agency has closed the unit that for a decade had the mission of hunting Osama bin Laden and his top lieutenants, intelligence officials confirmed on Monday. Agency officials said that tracking Mr. bin Laden and his deputies remained a high priority and that the decision to disband the unit was not a sign that the effort had slackened. Instead, the official said, it reflected a belief the agency could better deal with high level threats by focusing on regional trends rather than on specific organizations or individuals.

Let me quote the former senior CIA official who is quoted by name, Mr. Michael Scheuer, a former senior CIA official, who was the first head of this unit at the CIA. He said the move ''reflected a view within the agency that Mr. Bin Laden was no longer the threat he once was.'' Mr. Scheuer says, ''That view is mistaken.''

Madam President, our amendment would provide the funds to reconstitute that unit, to provide focus, clarity and a specific set of goals. And, second, to require a quarterly classified report to the Congress that would describe, from the standpoint of those in the intelligence community and the defense community who are involved, what they have done with respect to apprehending and bringing to justice those who head the organization called al-Qaida.

My hope and expectation would be that upon passage of this amendment my colleague and I will have provided some more clarity and some more focus and even perhaps some more determination that a significant goal of ours is the apprehension of the head of the organization that attacked our country. I do not think that apprehension will occur by accident. I think it will occur if it is in fact a significant goal and one that we pursue with the resources and the vigor that is necessary.

I understand that there will be some who say that we have other priorities; this remains a priority but there are many other things to do. Let me go back to the position that I started with and that is this. We live in a very dangerous world, a very uncertain world. The President is dead right when he talks about the war on terrorism being a war in which we must prevail. He is absolutely right that we have to work together and have to be as one as we confront this evil that exists around the world.

But I also want to point out that we live in a world, now, where, as I indicated before, there are almost 30,000 strategic and tactical nuclear weapons that exist in this world. Going back to October 11 of 2001, the threatened loss of one of those nuclear weapons, because of a rumor that it had been stolen from the Russian stockpile, caused an apoplectic seizure in parts of the government because everyone, at that point, in the intelligence community, who had heard of this rumor, knew it was plausible and that the detonation of a nuclear weapon in a major American city by al-Qaida would be devastating. The consequences of that are impossible to describe. The next terrorist act may render the attack of 9/11/2001, a much less significant attack in terms of casualties. Let's hope that is not the case.

That is why it is so urgent for us to determine that we are going to apprehend and bring to justice those who head the al-Qaida organization and who masterminded the attack against this country on 9/11/2001. That is what our amendment seeks to do, to provide the resources and the assistance to make that possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I ask unanimous consent that Senator PRYOR be added as an original cosponsor as well.

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

Mr. CONRAD. Madam President, I ask the Senator from Massachusetts if he seeks time on this amendment.

Mr. STEVENS. Madam President, we have time on the floor. I seek recognition.

Mr. CONRAD. Madam President, I have not relinquished my right to the floor. I simply asked a question.

Mr. STEVENS. He is right.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from North Dakota.

Mr. CONRAD. Mr. President, this amendment is an urgent matter. I hope very much our colleagues would support this amendment on a bipartisan basis so that we send the clear message that this country intends to hold to account those who organized the attack on America. I think that is absolutely essential.

I also say to my colleague, if the Senator from Alaska seeks recognition, I will be happy to yield the floor so he can do that.

I ask him at this point if he would have an interest in a time agreement on the amendment? We were approached earlier with a request on that matter. I would be happy to explore that, if the Senator from Alaska has any interest.

Mr. STEVENS. If that is an inquiry to me, I am interested in a time agreement, without any question. I am happy to set a time to vote, at noon or at any time.

Mr. CONRAD. We would be happy to agree to a time. Would noon be an acceptable time?

Mr. STEVENS. We are checking.

Mr. CONRAD. Perhaps later on in this discussion we can reach an agreement. We would certainly be willing to agree to that.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would welcome the opportunity to make some brief comments on this amendment.

The PRESIDING OFFICER. The Senator from Massachusetts has been recognized.

Mr. KENNEDY. Mr. President, I commend my colleagues from North Dakota and Colorado and others who are supporting this amendment. In many respects, this gives real focus to what I think is part of the dilemma that we are facing in our battles with al-Qaida and the issues of security. A number of us opposed the resolution to go to war in Iraq. I did. I said it was the best vote that I cast in the U.S. Senate. And I did it primarily as a result of listening to military commanders in the Armed Services Committee.

We had testimony—although he didn't testify personally—from General Zinni. We listened to General Hoar of the U.S. Marine Corps, actually from my own State of Massachusetts. We listened to General Wesley Clark and General Nash—a number who have been combat commanders. If you look back in terms of the history and the testimony of those military commanders, virtually all of them were saying to the Armed Services Committee that we ought to keep our focus

on what was really the challenge: Osama bin Laden, al-Qaida, and Afghanistan. That was the testimony before the Armed Services Committee.

I will not take the time now to repeat the series of statements and comments that were made by the President and the Secretary of Defense. I remember the testimony of the Secretary of Defense before the Armed Services Committee when he talked about weapons of mass destruction. He was asked at that time by the ranking minority member, Senator LEVIN. His response was they were north, south, east, and west of Baghdad. That was where the weapons of mass destruction were. That is the testimony of the Secretary of Defense.

We remember all of those comments. We saw the Nation move and shift thinking that there were weapons of mass destruction, and al-Qaida was the primary force in bringing about 9/11. Of course, there wasn't adequate intelligence to justify that. Even the President admitted that there were no weapons of mass destruction. Even the bipartisan 9/11 Commission's thorough examination shows very clearly that those were the representations made by the Vice President of the United States.

During that period of time, the combat commanders who testified understood where we were going—the real challenge was finding Osama bin Laden. We saw the extraordinary efforts that were made by the military, all of which had this Nation focused on trying to get al-Qaida. The world was supporting the United States. The world understood that the United States had been assaulted and attacked. The world intelligence community was coming together and saying we are going to help the United States of America find the person who perpetrated the 9/11 attack in the United States. All of that was happening all over the world.

Then what happened? The judgment and the decision was made in the White House: Well, we have the role of going over there to Afghanistan, so we are going into Iraq. The rest is history.

In spite of the fact that Osama bin Laden was on the run, despite the fact that the intelligence reports showed that he was just within hours of almost getting captured, the diversion of both troops and diversion of focus, the diversion of intelligence went to Iraq.

Now we have an amendment to try to get us back in focus on the primary individual who was the organizer of 9/11.

I share the concerns that have been stated by both Senators and the frustration when the judgment and decision was made by the Pentagon that they no longer had the priority of going after bin Laden.

We all understand the complexities of trying to find him in the mountainous areas around Afghanistan's border and into Pakistan. We all understand those complexities and those difficulties and the political problems and all the rest. But, nonetheless, we had the world combined to find him and bring him to account. We have failed to do so.

I think this amendment brings the Senate, in hopefully a bipartisan way, to say we want to give focus and attention to finding and bringing to justice Osama bin Laden.

Listening to Senators, I am mindful that at the end of this year we will have been fighting the war in Iraq longer than we fought in World War II. Understand that we took on the Germans in western Europe, north Africa, the Japanese in the Far East, mobilizing 12 million to 14 million people over this period of time. And we will have by the end of the year—we are now in September—we have been fighting in Iraq longer than we fought in World War II—28 million people. We virtually occupied with air supremacy over the whole country—the top third of it and the lower third of it was a heavy embargo, violations of embargoes. But the amount was $14 billion a year in terms of the military, and we now have servicemen still weighted down over there.

I agree with those who said the service men and women have done their job. The politicians haven't done theirs with regard to Iraq.

That doesn't get away from the point that our focus has been diverted to Iraq.

We have seen the number of al-Qaida grow. According to the National Security Project, in 2001 it was 20,000. In 2006, it is 50,000. The number of al-Qaida terrorist attacks 5 years before 1991 was 3. But now the number 5 years since 9/11 is 30. We have the growth happening all over the world and no accounting for Osama bin Laden.

This is what has happened with al-Qaida. The number of significant global terrorist attacks reported by the U.S. State Department in 2003 was 175. The number exceeded 3,000 in 2004, and 11,000 in 2005.

Look at the growth. We are weighted down in Iraq, and Osama bin Laden is out there someplace.

This amendment makes a great deal of sense. I thank both my colleagues for doing something. This is a small amount of resources which are asked for. Look at what we are spending, more than $200 million a day in Iraq. I believe this is $20 million—$200 million a day we are spending in Iraq.

Do we realize that if we weren't spending $200 million a day—and over $350 billion has been expended—what we could have done with regard to homeland security? How could we have protected Americans with those resources more effectively? How could we have gone after al-Qaida more effectively? How could we have enhanced the security of the American people more effectively?

This has been a catastrophic miscalculation on the part of the administration, and the amendment of the Senators is trying to give focus and attention and priority to where we ought to give focus and attention and priority.

I commend them for doing something.

I hope this amendment will be accepted and embraced and passed overwhelmingly.

Mr. STEVENS. Mr. President, it has been cleared on this side by Senator INOUYE and myself.

I ask unanimous consent that the Senate proceed to a vote in relation to the pending Conrad amendment at 12 noon, with no second-degree amendments in order prior to the vote, and with the time equally divided between the two managers or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. There is no objection on our side.

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

Mr. STEVENS. Mr. President, I am, as are the Senators from North Dakota, quite worried about this amendment. It is my intention to ask the Senate to vote. It is my understanding that they want a vote on this amendment. It is my intention to ask every Senator to vote for the amendment.

It is a political season. I understand that. I consider this amendment to be a slam at the intelligence community.

I can tell the Senate that there is more money than this available. If I tried to discuss the amount of money which is available, I would be violating my oath as far as confidential and classified material. For reasons of national security, I cannot elaborate on that.

I arranged for the two Senators from North Dakota to be briefed about the programs which Senator INOUYE and I know about. We urged them not to offer this amendment. There are many funds dedicated in our bill for the global war on terrorism. There are funds in our bill to continue the search for Osama bin Laden. That has never lapsed. It does not need this amendment.

The classified annex accompanying this bill provides details of classified programs in this bill, and they are available to every Senator in room 405 if they want to question my view. Those were offered to the Senators from North Dakota. I do not know whether they took advantage of that or not.

We cannot discuss those programs here. We would jeopardize the lives of many people if we did so.

I know of no way to handle this amendment except, as I said, I ask all Senators to join and vote for this amendment and to trust Senator INOUYE and myself to find a way to deal with it in conference. Maybe the Senate will listen to us when we come back.

I remember once, years ago when I offered an amendment to provide funds to deal with Osama bin Laden, offering a reward of dead or alive. That was objected to by a Member on the other side of the aisle.

I note that this amendment says to bring Osama bin Laden to justice. To bring him to justice—does that mean dead or alive? Must we keep him alive if we find him?

There are a lot of things we could discuss on the floor of the Senate about this issue.

I am going to sit down in a minute and I am not going to answer any questions. I am not going to discuss it any more because I consider it to be an irresponsible amendment that should never have been brought before the Senate.

With all of these pictures, it is a campaign period. But to imply to the American public that we have not been looking for Osama bin Laden for years—I can tell you, I am not going to press my friend from Hawaii, but we have spent hours and hours and hours with the intelligence community seeing how we can better devise methods to find this man.

I can assure the Senate that without any question the search for Osama bin Laden has not been hampered by a lack of funds. It has not been hampered by a lack of funds in this bill. If I tried to tell you where the funds are, I would violate my oath.

It is time for us to come to some understanding about what led to this amendment. It was the President's statement the other day. I was there. The conversation on this floor misses the point. It was not Hitler during World War II he was talking about; it was Hitler before World War II. Let me quote what he said on September 5. I listened to it. He said:

> In the 1920's, a failed Austrian painter published a book in which he explained his intention to build an Aryan super-state in Germany and take revenge in Europe and eradicate the Jews. The world ignored Hitler's words, and paid a terrible price. His Nazi regime killed millions in gas chambers, and set the world aflame in war, before it was finally defeated at a terrible cost in lives.
>
> Bin Laden and his terrorist allies have made their intention as clear as Lenin and Hitler before them. The question is: Will we listen? Will we pay attention to what these evil men say?

The world can tell I am close to losing my famous temper. I do have one. As I said, I arranged for these Members to be briefed on information that is in this classified annex. I don't understand this amendment.

I intend to let the Senators have their half of the time. The balance of the time will be spent in a quorum.

I yield to my friend from Hawaii.

Mr. INOUYE. Mr. President, the record should show that there are significant amounts of money allocated in this bill to several agencies. But to go beyond that and discuss in greater detail would be, as the chairman indicated, a violation of the rules of classification. I will cease at this point.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I say to my colleague that it is a curious conclusion to suggest that adding more resources to the intelligence community for the purpose of bringing to justice Osama bin Laden is a slap in the face to the intelligence community. It is no slap in the face to the intelligence community. If anything, it is a vote of confidence in the intelligence community.

We owe the country this debate and this discussion. I believed when we went to Iraq we were making a mistake. I said on the floor of the Senate right before that vote that I thought we were diverting our attention from those who attacked us. It was al-Qaida, led by Osama bin Laden, not Iraq, led by Saddam Hussein. The simple fact is we have not brought them to justice.

The Senator wonders, what does it mean to bring to justice? We all know what it means to bring someone to justice. Osama bin Laden deserves to be brought to justice. There is no one in this Chamber who doesn't know what that means.

The Senator says this amendment is irresponsible. I think it would be irresponsible not to have this amendment.

The Senator indicated that he asked us to be further briefed yesterday. We did that. There is not one thing I heard in that room that doesn't tell me that what we are seeking to do here is not the right thing, the responsible thing. We cannot talk about those briefings, and we will not talk about them.

Finally, I say to my colleague, this is not political with me. I don't need a political amendment. Anyone who has analyzed my race knows that what I am saying is true. I don't need a political amendment. I have a responsibility to my constituents and to the future of our country. I believe deeply we have not done the job of protecting America when we have failed for 5 years to get the man and the leadership cadre of al-Qaida that organized the attack on this country. I don't choose to make this political.

I made very clear in my statement that I don't question for one moment the commitment of this administration to protect America. I don't question for one moment the intention of every Member on both sides of this aisle to protect our country. I don't question that. I did not make this a political matter; I make this a matter of policy—what is the right thing to do for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, there are areas of classified information that are not discussed in the Senate. Senator CONRAD has just described that we both have had access to that information. It is the information to which my colleagues allude. There is nothing—I repeat, nothing—that we are doing here that does anything to injure anything else that was being done anywhere, at any time. There is nothing here that does injury to anything I know about.

Frankly, it is far too easy to jump up from a chair in the Senate and allege that the amendment you do not like is somehow borne of politics. Yes, there is a barrel full of politics around these days, a barrel full of politics in this Chamber and downtown. We know it when we see it. But I think it ill serves this discussion to talk about irresponsibility, to talk about politics on the issue of what the role of this country is, the determination and the resolve of this country, to decide to provide more focus, more clarity, and more energy to apprehending the head of al-Qaida, Osama bin Laden, the person who masterminded the attack against this country. Again, there is never a circumstance where anyone would find myself or my colleague, Senator CONRAD, coming to the Senate to do injury to anything else we are doing in this country together.

I indicated when I started that I don't think the fight against terrorism is about Democrats or Republicans. It is certainly not about politics, or shouldn't be. However, it is almost unbelievable to me that this amendment is described as ''political season'' campaign period-motivated and, even more, a slam at our national security. Nothing could be further from the truth than that. This is not slamming anyone. This is trying to provide additional resources, additional focus, additional energy toward a goal that I hope every single American shares. In fact, I bet we would be hard pressed to find an American citizen who says this is not a worthy goal for our country.

My colleague has said that there has been a continuing, unwavering effort to apprehend the top of the terrorist groups, including the leaders of al-Qaida. Let me read, from 2002, the President's response when asked about Osama bin Laden:

> I don't know where he is. I know I just don't spend much time on him, to be honest. I am not truly that concerned about him. I know he's on the run.

The fact is, there have been times when we have been diverted to other areas. Does anyone here believe Iraq has not detracted substantially from what is happening in Afghanistan? Does anyone here believe that? Most of us have been over those mountains. I have flown over those mountains and looked down at the mountains between Afghanistan and Pakistan. That is where most believe Osama bin Laden is hiding, among supporters. I understand how difficult it is to apprehend someone hiding in that region. I don't diminish the difficulty and the complexity of accomplishing that mission.

My colleague and I offered an amendment which is relatively simple which tries to provide more focus and more clarity on the goal, which tries to provide resources. These resources are not dramatic or substantial resources relative to the amount of money we have been spending, for example, in Iraq.

A Member brings an amendment to the floor and someone says: This is political, this is campaign season. That is too easy. I don't think that treats serious issues seriously enough. This is an

issue which is serious. It is an issue that deserves attention by this Congress, deserves a statement by this Congress, which I expect we will make unanimously, I hope we will make unanimously. It is a statement that almost every American, I believe, would say they agree with, a statement that says to the American people: Here is a priority, a very substantial priority for which we will dedicate the resources and rededicate ourselves to address these issues.

My understanding is the Senator from Alaska will seek a quorum call, which is just fine.

Mr. KENNEDY. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. KENNEDY. I listened with great interest to both of my friends and colleagues in their comments.

As I understand, the amount included in the Senator's amendment is $200 million to be expended over a 2-year period?

Mr. DORGAN. The Senator is correct.

Mr. KENNEDY. And the Senator mentioned a figure, and it is my understanding we are spending $200 million a day, virtually, in Iraq at the present time. I think that gives some proportion as to requested resources—$200 million a day in Iraq and $200 million over a 2-year period for this effort.

I thank the Senator.

Mr. DORGAN. I think the Senator puts in perspective the amount of money that is being described.

Let me finally say that I noticed yesterday—I was not in the Senate, but I had the television on—noticed the same issue developing yesterday on an amendment my colleague offered. There was a suggestion that this is all political, all politics, every time someone offers an amendment that someone disagrees with. That is total nonsense. This issue deserves much more serious treatment and much more serious debate than that.

I am pleased that apparently there will be a unanimous vote.

I yield the floor, and I reserve the remainder of time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I will discuss a bit more fully what led me to this amendment. It is not the President's comments of several days ago. That was not the genesis of this amendment. I have believed since we went to war in Iraq—anyone can look at the record and what I said in this Senate the night of the vote—I said then that I believed going to Iraq was a distraction. I believe it diverted our attention and resources from going after the al-Qaida leadership that organized the attack on America. I said that then. I believed it then. I believe it now.

I have a bit of a different background from many of my colleagues. I went to high school at an American military base in Tripoli, Libya, North Africa. I lived in the Arab culture. One of the ironies was the Senator from Alaska suggested this is a slap in the face at the intelligence community. My family served in the intelligence services of our country in that part of the world. I am precluded from going further than that because of classification issues. I have great respect for those who serve in the clandestine and the intelligence services of our country. I have consulted many of them in writing this amendment.

I believe deeply this is the right approach to operationalize, to more fully fund the efforts, not only to get Osama bin Laden—although I believe he is at the top of the list—I also believe it is critically important to get Zawahiri, I believe it is critically important to get Mullah Omar. I regret deeply that resources were transferred from Afghanistan to Iraq. that we had forces that were experts in Arab culture and Arab language and we shifted them to Iraq.

The hard reality is, while there have been successes, which I acknowledged in my opening remarks—I would say to the Senator from Alaska, there have been very excellent successes. Getting Zarqawi, thank God, we got him. Thank goodness for each of those who have been captured and taken out of operational involvement in planning additional attacks on the country.

But the job is not done. We know that. I believe very strongly that we made a strategic error in going to Iraq. I said it then, I say it now. I believe the focus and the energy and the attention ought to have gone—the priority ought to have been al-Qaida, its leadership, and its worldwide network.

I believe this is fundamentally different than World War II. I believe this is a long and difficult struggle. I believe this is a dangerous world. I believe there are people who are plotting right now to again attack our country. And I want to be part of an effort to do everything we can to stop them. That is why I offer this amendment, and for no other reason.

Mr. President, I ask unanimous consent that Senator DAYTON be added as an original cosponsor of the amendment.

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

Mr. CONRAD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 8 minutes 49 seconds remaining.

Mr. DORGAN. Mr. President, I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. 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.

Mr. DORGAN. 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. DORGAN. Mr. President, let me read one additional piece I did not describe in my earlier presentation. Let me read from the State Department's latest report on terrorism because I think it is important for all of us to understand.

This is, again, from the U.S. State Department's latest report on terrorism:

> Al-Qaida's top leaders continue to plot and direct terror attacks worldwide. . . . Over the past four years, al-Qaida, its affiliates and those inspired by the group were also involved in many anti-U.S. or anti-coalition attacks in Africa, Europe, the Middle East, Afghanistan, Pakistan, and Iraq, including suicide bombings and vehicle-borne improvised explosive devices.

Again, the first sentence:

> Al-Qaida's top leaders continue to plot and direct terror attacks worldwide. . . .

''Direct terror attacks worldwide''—it is why I think there is no more important goal for this country than to add additional resources, provide additional focus to this question of bringing to justice the head of the organization that has attacked this country and that now organizes and expands and continues to attack around the rest of the world.

I previously described that just in this year alone we have been the recipients of five messages from Osama bin Laden—five just this year. It has been dozens since 2001. I think all of us share a goal and the view that we need to apprehend and bring to justice those who head the organization that attacked this country.

Fighting terrorism is difficult and dangerous and complex. We understand all that. All of us salute our troops. All of us want to work together. As I have indicated, this is not about Republicans and Democrats. It is about Americans sharing and aspiring to achieve a goal. And that goal is to defeat terrorism.

I think the most effective and important way to defeat terrorism, however, is to try to dismantle the organization, and especially dismantle the organization by apprehending the head of that organization and bringing the head and top officials of that organization to justice.

That has not been done, and we are not blaming anybody. I join my colleague, Senator CONRAD, in saluting those in our intelligence service and our military who risk their lives every day. But I believe it is very important for us, as we put together a piece of legislation with substantial resources, to provide greater clarity and focus on this goal. That is why Senator CONRAD and I have written this amendment and offer it today.

I understand there are some who do not want it offered, do not want to have this discussion. I respectfully believe they are wrong. I do not allege that they have political motives. I just believe they are wrong. My hope is,

when the Senate speaks to this, it will have accomplished something that is productive and substantial in its comments on this issue.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, there are other Members who are on their way who wish to speak on this matter. I do not know if they will make it.

Senator MENENDEZ has arrived.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). Who yields time?

Mr. CONRAD. I say to Senator MENENDEZ, we could give you 2 minutes.

Mr. MENENDEZ. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to strongly support Senator CONRAD's and Senator DORGAN's amendment and to join with them in it.

It seems to me, as someone who on the anniversary of September 11 is reminded of the 700 New Jersey lives that were lost on that fateful day, as well as all of those other Americans who lost their lives on that fateful day, that the central figure, the individual who was the mastermind of their deaths, who struck on that fateful day, is Osama bin Laden. It is very clear to me that we must either catch or kill Osama bin Laden, the mastermind of those attacks.

I know many Americans were as shocked as I was when they heard the news reports that the administration had allegedly closed down or realigned the Osama bin Laden unit at the CIA. And while there is a very difficult process to publicly confirm these reports, I believe the Senate must make it very clear that the United States can in no way reduce or dilute our efforts to kill or capture Osama bin Laden.

With this amendment, we ensure that not only is that unit not disbanded and not merged and not diluted, but, in fact, we ensure that we increase our efforts.

To anyone who would like to argue that we do not need to focus on al-Qaida or bin Laden, I would remind them that just because there has not been another terrorist attack on U.S. soil that does not mean al-Qaida has been eliminated or that bin Laden has been rendered ineffective.

So I am in incredibly strong support of Senator CONRAD's amendment. Perhaps the face of Islamic terrorism has evolved, but he still is our central focus.

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

The Senator from North Dakota has 1 minute remaining.

Mr. CONRAD. Mr. President, I yield 1 minute to the Senator from New York.

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

Mr. SCHUMER. Mr. President, I thank my colleague from North Dakota. And I thank both of my colleagues from North Dakota for offering this outstanding amendment.

If there were ever a metaphor for what is wrong with the war on terror, it is the fact that Osama bin Laden is alive. He continues to taunt us on al Jazeera broadcasts that we have not found him.

Now, if we said we were doing everything we could to find him, that would be one thing. But the unit to get him was disbanded. Many report that the number of troops in Afghanistan is not adequate. They have just asked for more today. And he is our No. 1 danger.

So I hope my colleagues on both sides of the aisle will support this amendment. The fact that 5 years after 9/11 we have not yet found bin Laden shows we can do a whole lot better in the war on terror than we are doing.

This amendment will help bring us there. I urge full bipartisan support of it.

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

The Senator from Alaska.

Mr. STEVENS. Mr. President, I announce to the Senate that the next vote will be Senator DOMENICI's 13,000th vote.

I also announce to the Senate that my younger brother, from Hawaii, Senator INOUYE, has a birthday today.

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.

Mr. STEVENS. Mr. President, I hope every Senator will vote for the amendment. I don't know any Senator who will vote against providing money to continue the search for Osama bin Laden. If I could disclose to you how much money is in this bill otherwise for a classified program, you would understand why this is a superfluous amendment.

Understanding that nobody would want to vote against something like this, if this amendment becomes law, the freedom of information provisions would mean all of the activities would be available to anybody. This is not a classified $200 million to search for bin Laden. Again, it is irresponsible, but I would not vote against the amendment. I don't want to be known for voting against additional money to search for Osama bin Laden.

Mr. President, I ask for the yeas and nays on the Senator's amendment.

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

There is a sufficient second.

The question is on agreeing to amendment No. 4907 offered by the Senator from North Dakota. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON), and the Senator from Pennsylvania (Mr. SANTORUM).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

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

[Rollcall Vote No. 235 Leg.]

YEAS—96

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

NOT VOTING—4

Chambliss	Lieberman
Isakson	Santorum

The amendment (No. 4907) was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

CONGRATULATING SENATOR PETE DOMENICI ON HIS 13,000TH VOTE

Mr. FRIST. Mr. President, on this last rollcall vote, No. 235, the distinguished Senator from New Mexico, the current chairman of the Energy and Natural Resources Committee, and the former long-serving chairman of the Budget Committee, Senator PETE DOMENICI, cast his 13,000th vote in this Chamber—13,000 votes. Senator DOMENICI now joins a very historic and select club of Senators who can claim this distinction. Senators now cast more votes than ever in each Congress, so while historical records are not perfect, the Senate Librarian says that we are safe to conclude that among all Senators who have served since the beginning of the Republic, Senator DOMENICI is in a class of only eight. Since the beginning of the Republic, only seven other Senators have similarly cast more than 13,000 votes in their careers in the Senate, and four of them are serving today. The club of seven now becomes the club of eight with Senator DOMENICI's last vote here today.

Those other seven Senators are Senator Clayburn Pell, the current President pro tempore, Senator TED STEVENS, Senator TED KENNEDY, Senator DANIEL INOUYE, Senator Ernest Hollings, the late Senator Strom Thurmond, and with over 17,733 votes, the all-time record, Senator ROBERT C. BYRD.

Senator DOMENICI, I know I speak for all of your fellow Senators when I say congratulations on this achievement. But more importantly, thank you for your tremendous service over the years to New Mexico, to your country, and importantly to the U.S. Senate.

(Applause, Senators rising.)

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, why would I, the Democratic leader of the Senate, stand to offer effusive praise for my Republican colleague, the Senator from New Mexico, PETE DOMENICI? The reason is, I know him. He is my friend. PETE DOMENICI and I have worked on a subcommittee that is so important to this country, Energy and Water. My entire tenure in the Senate has been with him. The last many years Senator DOMENICI and I have worked as ranking member and chair. Whoever controls the Senate, Democrat or Republican, the person whose party is controlling becomes the chairman, the member of the other party becomes the ranking member of that committee. It doesn't matter to PETE DOMENICI or HARRY REID, as it relates to that subcommittee, which is the party in power because we have worked as partners on that subcommittee. We have done some tremendously important things for this country, not only in funding important projects but changing policy.

I like PETE DOMENICI for a number of reasons. I admire PETE DOMENICI for a number of reasons. As a boy, I wanted more than anything else to be a baseball player. I wanted to be a good baseball player. In my child's mind, I figured I could be. But as I got older, I didn't run very fast. I wasn't as strong as I thought I was, so my baseball career was not much to write home about. PETE DOMENICI's is. PETE DOMENICI was a pitcher. PETE DOMENICI pitched for a farm club of one of my favorite baseball teams, the Dodgers, where my good, close friend, Hall of Famer Greg Maddux, now pitches.

PETE DOMENICI will not make the Hall of Fame for baseball, but he will for U.S. Senator. He is a wonderful man.

One reason he is as good as he is is because of the woman he married in 1958 by the name of Nancy Burke. They are a wonderful team. I admire and respect them both very much. They have a wonderful family, a large family—two sons and six daughters.

I congratulate PETE DOMENICI, a U.S. Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to add my congratulations to Senator DOMENICI on this great achievement, achieving this milestone of becoming one of eight Senators in the history of our country to have cast this many votes.

I have had the good fortune in the 24 years I have been here in the Senate to serve with Senator DOMENICI, and also, of course more recently, to serve with him on the Energy Committee as the ranking member. I have seen the leadership he has provided to deal with our energy issues.

He is the longest serving Senator to have served from the State of New Mexico. Of course, he has cast more votes on behalf of the people of the State of New Mexico than anyone in the history of this country. For that he deserves great recognition.

The people of the State I represent recognize his great contribution and appreciate it greatly. I congratulate him today on reaching this milestone.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first of all, let me say thank you to each Senator who commented on my many years of voting, which has yielded 13,000 today. I thank you very much and, in particular, I thank the majority leader for doing what he has done, by setting aside these few moments. I greatly appreciate it.

I guess it is pretty easy to get to 13,000. You just stick around long enough and come and vote and you will get there. I don't know how many more I will get but certainly a lot more because there are a lot of years left to come. I don't know how many we will be celebrating, but this is a very special one because of the special people who are here, indicating to me in their own gracious way their appreciation for what I do or don't do in the Senate. I thank all of them for that.

Frankly, I don't feel as if I have cast 13,000 votes, so I don't know what that means. Maybe it means I have a lot more to come. I hope so. Maybe it means we are voting a lot more in the Senate than we used to.

In any event, it is a proud day because you all have made it one. Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, before I speak to an amendment, let me join in the commendations to our colleague, Senator DOMENICI. I am privileged to serve on the Energy Committee which Senator DOMENICI chairs. I appreciate his leadership, as well as his commitment to our country. I am pleased to join the many voices that have spoken about his service.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent the pending amendment be set aside.

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

AMENDMENT NO. 4909

Mr. MENENDEZ. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 4909.

Mr. MENENDEZ. 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 prohibit the use of funds for a public relations program designed to monitor news media in the United States and the Middle East and create a database of news stories to promote positive coverage of the war in Iraq)

At the end of title VIII, add the following:

SEC. 8019. (a) PROHIBITION ON USE OF FUNDS FOR CERTAIN PUBLIC RELATIONS ACTIVITIES.—None of the amounts appropriated or otherwise made available by this Act may be obligated or expended for a public relations program designed to monitor news media in the United States and the Middle East and create a database of news stories to promote positive coverage of the war in Iraq.

(b) SCOPE.—The prohibition in subsection (a) shall not apply to programs and activities of the Department of Defense directed at collecting or analyzing information in the news media.

Mr. MENENDEZ. Mr. President, I rise today to offer an amendment that would limit funds for any future public relations campaign being commissioned by the Pentagon to promote positive coverage of the war in Iraq. We first learned about this $20 million PR campaign to improve the image of President Bush's Iraq policy in the Washington Post last week. In my mind, this proposal is not just irresponsible, it is an insult to the thousands of Iraqi citizens and coalition forces who have died in this war. At a time when this violent insurgency continues to expand and American troops are putting their lives on the line day in and day out, what is the administration's focus? A better public relations campaign? The Bush administration doesn't need a new PR campaign in Iraq. They need a new policy in Iraq.

We must change the course in Iraq, not waste time or money for public relations efforts. We must work to reduce the insurgency, not suppress news reports of its existence. We must strive to improve the situation on the ground in Iraq, not focus on changing the spin. That is why I am offering this amendment that would prohibit funds being used for this type of public relations campaign.

Let me be clear. This amendment prohibits the use of funds for a public relations campaign and a database of news stories that is designed to promote positive coverage of the war. But the amendment specifically does not prohibit the normal work of the Department of Defense for collecting or analyzing information in the news

media. The fact is, we do not need more propaganda. We need a new policy. I can certainly understand why the Bush administration would want to sugarcoat the news coming out of Iraq. The facts and the figures about the reality on the ground tell a somber story.

When more than 250 Iraqis were killed last week alone, and the killings continue today; when kidnapping by those wearing Iraqi security force uniforms becomes commonplace, and average Iraqis now flee from Iraqis in uniform; when the U.S. Special Inspector General for Iraq Reconstruction comes out with a report that paints a picture of incompetence, fraud, and failure, and USAID, the agency in charge of over $1.4 billion in reconstruction, has been hiding millions of dollars in construction overruns and failing to report the true costs and problems to the Congress; when some Iraqis are now too afraid to go to the morgue to retrieve the bodies of their loved ones for fear of being killed or kidnapped themselves; and when instead of reducing troops, thousands of troops have been ordered to go to Baghdad, and an Army brigade had its tours extended, it is time to change the course in Iraq.

It is certainly easy to see why the Bush administration is afraid of the truth, and it is no surprise that a CNN poll released on Monday showed that 61 percent of Americans said they oppose the war as it is in Iraq, the highest opposition shown in any CNN poll since the war began.

For those in the Bush administration who complain that the media only reports bad news coming out of Iraq, I invite them to look at the facts and figures offered by the Pentagon itself last week. In its latest report to Congress, the Pentagon found that Iraqi casualties are up by more than 50 percent in recent months. Violence in Iraq continues to rise, and innocent Iraqi civilians are paying the price. The casualty rate is now almost 120 a day, compared to 30 a day 2 years ago.

The President continues to speak of progress, but the numbers tell a different story. From the time the new Iraqi Government was established on May 20, until August 11, the number of attacks were almost 800 per week. That is a huge increase from the beginning of the year and almost double from the beginning of 2004. So it is clear that the Bush policy in Iraq simply is not working, and it is time for a new direction.

The President needs to realize that we do not need a new propaganda campaign, we need a new policy. Frankly, I personally never believed the administration's false arguments about why we should go to war in Iraq, and I believe this administration never had a strategy for success in Iraq, and that is why I voted against the war in Iraq even when that vote was unpopular. That is why I am standing up for a new direction in Iraq today.

The President led us into this war based on false premises and false promises. President Bush went into the war without a plan to win the peace.

Unfortunately, this administration still doesn't have a real plan for success in Iraq. Our soldiers have performed bravely under the most difficult of circumstances. But as Iraq moves closer and closer to an all-out civil war, as even the commander, General Abizaid, admitted was possible, it is time to change policy.

The fact is that the war in Iraq has hurt us along the way in terms of our national security. By changing course in Iraq, we can make our own country more secure.

I look back at Hurricane Katrina just a year ago. I see the terrible price the people of the gulf paid when their National Guard troops were away in Iraq and unable to protect their neighbors here at home. Our homeland is simply less secure when our National Guard and Reserves are being kept in permanent rotation in Iraq.

This war has also distracted us from the great international security threats to the United States. While the administration is focused on the war in Iraq, North Korea has only become more defiant because they know we are bogged down in Iraq and have lost credibility with the international community.

Under this administration, North Korea has conducted launched missile tests and has likely increased the size of its nuclear arsenal. They have withdrawn from the Non-proliferation Treaty. The Congressional Research Service has estimated that the number of simple, fission-type weapons produced by the North Koreans prior to 2001 was between zero and two. Now this defiant regime has an estimated three to nine nuclear weapons.

While the administration has been distracted in Iraq, Iran has also become more defiant and has started enriching uranium, flaunting an international package designed to help end their nuclear weapons program, and is supporting Hezbollah's attacks against Israel.

It is in Afghanistan that we have paid one of the heaviest security costs for the war in Iraq. The bottom line is the administration never finished the job in Afghanistan. Afghanistan—not Iraq—was the right place to pursue the national security of the United States. It was in Afghanistan—not Iraq—that the murderers of September 11 were located. Our lack of attention and resources in Afghanistan has allowed the country to once again become a land of increased turmoil.

Many of us have been horrified as we have watched the resurgence of Taliban and strong anti-American sentiment in Afghanistan. In the past 3 years, there have been 284 attacks by the Taliban, and the number of suicide attacks continues to rise sharply. We have also seen poppy cultivation more than double since 1999. That ultimately is what emanates the opium on the streets of our cities and across the world.

I believe it is long past time for the United States to focus attention on Afghanistan and on the current threats from Iran and North Korea.

Let me simply say that the war in Iraq has not helped quell terrorism. In fact, it has fueled the proliferation of terrorist organizations and has increased instability in Iraq at the expense of our Nation's economy and the lives of our service men and women. The Iraq war has drained our Treasury of $320 billion. Well over 2,600 of our bravest men and women have lost their lives, and nearly 20,000 have been injured. That is the most fundamental issue facing our country today.

Three and a half years into the war and the administration's overhyped spin has become unwound. Predictions that we would be greeted as liberators have proven false, and the President's partisan attacks on anyone who dares criticize his failed policy have led to the hollow truth behind both the original decision to go to war and the propaganda he and his supporters still spew forth every day. The facts are as clear as the day, and a majority of Americans know the decision to invade Iraq was the wrong one.

In light of this knowledge, it is time to tell the President that we don't need a new propaganda campaign; we need a new policy. It is time to make clear that the Defense bill should be about flak jackets for our troops, not PR flak for the Bush administration. That is why I have offered this amendment which tells the administration to forget about the spin and concentrate on the mission at hand.

I urge my colleagues to support this important amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object. What is this? I thought we would dispose of the Menendez amendment first. Are there further speakers on the amendment? I would like to see the amendment. Will the Senator agree to a time agreement for a vote on the Menendez amendment? Will Senator MENENDEZ agree to vote at a time certain on his amendment?

Mr. MENENDEZ. Sure. I would consider such an agreement.

Mr. SCHUMER. Mr. President, will my colleague from Alaska yield?

Mr. STEVENS. I would be happy to yield.

Mr. SCHUMER. I don't believe my amendment will take much time. It might be good to dispose of both of them together.

Mr. STEVENS. Very well. I hope we can get a time agreement for a vote.

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

AMENDMENT NO. 4897

Mr. SCHUMER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4897.

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

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

The amendment (No. 4897) is as follows:

(Purpose: To make available up to an additional $700,000,000 for Drug Interdiction and Counter-Drug Activities to combat the growth of poppies in Afghanistan, to eliminate the production and trade of opium and heroin, and to prevent terrorists from using the proceeds for terrorist activities in Afghanistan, Iraq, and elsewhere, and to designate the additional amount as emergency spending)

At the end of title VIII, add the following:

SEC. 8109. (a) ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—The amount appropriated by title VI under the heading ''DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES'' is hereby increased by $700,000,000, with the amount of the increase designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

(b) AVAILABILITY.—Of the amount appropriated or otherwise made available by title VI under the heading ''DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES'', as increased by subsection (a), up to an additional $700,000,000 may be available to combat the growth of poppies in Afghanistan, to eliminate the production and trade of opium and heroin, and to prevent terrorists from using the proceeds for terrorist activities in Afghanistan, Iraq, and elsewhere.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose set forth in that subsection is in addition to any other amounts available in this Act for that purpose.

Mr. SCHUMER. Mr. President, I will be brief.

I rise to offer an amendment to the DOD appropriations bill to address what is literally a growing problem in the fight on the war on terror. We are not really doing enough to counteract an ever-increasing production of opium in Afghanistan, a problem that is threatening the ever fragile Government. Not only does opium production fuel its heroin trade around the globe, but the heroin funds terrorists who aim to attack America and our allies around the world.

We all note the deterioration of the situation in Afghanistan. One of the main reasons that situation is deteriorating is the opium production is increasing dramatically. It will increase by a huge 50 percent over last year. A large portion of the opium trade is controlled by the Taliban, the very people who provide the ''warm'' reception.

I say that with sarcasm. It is due to bin Laden and al-Qaida. And yet the Taliban is increasing their reach, their strength, their hold on the country, and their wealth through opium.

As I mentioned, there has been a surge by over 50 percent over the last year's harvest, a surge in production largely in the southern part of the country where the Taliban has reasserted control. It is in part because we have abandoned Afghanistan and the country is steadily descending into chaos as we have less and less to say over it. We have abandoned large parts, and opium rules.

I hope my colleagues will listen to the fact. Afghanistan now supplies more than 90 percent of the world's opium. In this year alone, there were over 400,000 acres of poppies planted, compared to 250,000 acres in 2005—a 50-percent increase. Why is this happening? It is happening in Afghanistan because the administration failed to finish the job when we changed our focus to Iraq, and now the country is swarming with corrupt warlords and the Taliban is once again taking control over a large portion of the country. Our soldiers fought long and hard to rid Afghanistan of terrorists and the Taliban; however, if the drug trade continues to surge and consume the nation, their heroic efforts may be undone.

The Taliban draws its strength from the drug trade, and in order to prevent them from reclaiming the country, we need to crack down on the drugs that fuel its regime. The Taliban generates an amazing 70 percent of its income through the production and sale of opium. Those poppies generate a whole lot of money. This year's opium harvest is worth roughly $4 billion.

In addition, the Taliban is fueling the production of opium from behind the scenes and using the profits to fund its brutal and oppressive regime. Every night, the Taliban drops off ''night letters'' encouraging poor Afghan farmers to grow poppies in exchange for ''protection.'' Unfortunately, just like in ''The Godfather,'' that is an offer they cannot refuse.

Now Afghanistan's narcotrade is spreading outside its borders and funding insurgents and foreign terrorists in Iraq. Money from the sale of Afghan-produced heroin is being used by terrorists to buy weapons and equipment, to create improvised explosive devices, and to pay ordinary Iraqi citizens to attack U.S. soldiers in Iraq. If foreign terrorists are using Afghanistan's opium production to fund their deadly activities in Iraq, what is to stop them from using the same funds to attack the United States? On 9/11, it is estimated that the horrible acts by al-Qaida cost only $500,000 to carry out. Can you imagine how many more attacks they could carry out given how huge the profits are from Afghanistan's opium?

Given the magnitude of this problem, a total of $350 million to the Departments of State and Defense to fight opium in this part of the world is not enough. Those funds weren't enough—it is proven fact—when the production has doubled in a year's time. I am not saying the funds are not being used effectively. They may well be. They are clearly not enough. Fighting Afghanistan's drug production and trade is elemental to our success in fighting global terrorism. It is essential to protect our troops in Iraq, keep Afghanistan from descending into chaos, and save American lives here at home.

My amendment will increase counternarcotics funding in Afghanistan by $700 million. With additional funds, the Department of Defense can work to ensure that the Taliban and other foreign terrorists don't use Afghanistan's opium crop against the United States.

Last year, the U.S. Government spent less than $350 million fighting the drug trade. Afghanistan produced its largest poppy crop in recorded history and raised billions of dollars to fund terrorism.

For people who say this significant amount of money is not useful, it sure is. On a cost-effective basis, it is. It costs a lot more to fight terrorists who use the money from the poppy trade than to fight the poppy trade itself.

Some may suggest the money is not useful to DOD, but I would argue that DOD clearly doesn't have enough resources just on the basis ipso facto that the crop doubled last year. We have to make sure the Department of Defense and the State Department have all the available resources to combat this threat.

Others may say this issue is not a priority to DOD and we should let other agencies take the lead on this issue. The problem clearly is not a priority to DOD, but it absolutely should be, and this amendment will make clear that is our intent.

The growing insecurity in Afghanistan clearly requires that DOD take a more active role in combating the rise in the Taliban and corresponding rise in production of opium. To show that we are serious about combating cultivation of poppies and the production and trade of opium and heroin, we must put additional resources into the fight. If we don't, Afghanistan's drug trade will come back to haunt us.

I urge my colleagues to support this amendment when we have a vote on it later today. I thank the President and my colleagues from Alaska and Hawaii.

I ask unanimous consent that Senator FEINSTEIN be added as an original cosponsor.

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

AMENDMENT NO. 4909

Mr. STEVENS. Mr. President I ask unanimous consent that the Menendez

amendment be put before the Senate again. I ask unanimous consent that it be the pending business.

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

Mr. STEVENS. Mr. President, I want to be as courteous as possible. It is not a very good word to use, but it seems to me the Menendez amendment places a gag order on the Department of Defense. It says that the gains made by our military people and by the Iraqi forces cannot be reported to our people or to the Iraqi people.

It is a strange amendment, if you want to look at it, because it just says no funds may be expended for a public relations program to monitor news media in the United States and Middle East and create a database of news stories to promote a positive image of the war in Iraq.

The Department's press office normally reports day-to-day activities and is doing just that—getting the stories around and making sure we at home and the people in Iraq and our people in uniform know the positive side of this engagement.

I can tell you that at home we see the negative side all the time. It seems to me that answering questions with positive stories would be considered a PR effort. I do think it would have unintended consequences potentially impacting intelligence activities. I don't want to go into that too much, but the world knows about this information and the activities that have been going on for years. They have been going on for years.

We should not allow the Senate to take the position that prevents the Department of Defense to report on favorable news and to create a program to do that. To me, it constitutes a gag order.

I move to table the Senator's amendment.

AMENDMENT NO. 4897

It is my intention now to ask the Senate to make the Schumer amendment the pending business. I ask unanimous consent that is the pending business.

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

Mr. STEVENS. Mr. President, funding in this current year for activities in Afghanistan is $116.5 million.

That money is being used to build border crossing points and police headquarters and to train and equip Afghan national police and other security forces in drug detection and eradication.

A significant portion of those funds is still being programmed to be spent. There was a delay in getting that bill ready for expenditures for 2006 so there will be some carryover into 2007. We don't know how much that will be.

The President asked for an additional $18.5 million for this year in this bill, and the committee supported that request.

In addition to the funding in the Department of Defense appropriations bill before the Senate, the fiscal year 2007 Foreign Operations bill as reported to the Senate has $297 million for counterdrug activities in Afghanistan. The Commerce Science Justice bill includes $30.5 million for counterdrug activities in Afghanistan. This means in the current bills pending for approval, there is already $346 million for counterdrug activities in Afghanistan for 2007, notwithstanding the carryover money that is available. This means there is approximately $400 million that will be available in 2007 already and the Senator wants to add $700 million to that. That is an enormous amount of money.

The British Government actually takes the lead in counterdrug operations in Afghanistan. As we all know, NATO is in there now. The United States should not offer to take the entire financial burden of this operation. It is a multinational effort.

The Senator is right in his premise that poppy production sales are a funding mechanism for terrorist activities in Afghanistan. We do support poppy eradication efforts. However, we do not need to throw money at that problem. Four-tenths of a billion dollars ought to be enough for one year.

We have reviewed the counterdrug budgets for DOD and other agencies, and we believe they are sufficiently budgeted not only for this current year but for the 2007 year. If the Department needs additional funds for 2007, we will have a supplemental in the spring. I would be the first to support it if the Department came in and said they needed more money. However, in view of the fact that we are working with NATO and working with the British Government, which has the lead on this program, I do not think doubling the amount available for this program is prudent.

As a matter of fact, obviously from the experience in the current year, it would not be spent.

That should not be voted upon by the Senate. I move to table Senator SCHUMER's amendment.

I ask unanimous consent at 2 p.m. today the Senate proceed to a vote in relation to the pending Menendez amendment, to be followed by a vote in relation to the Schumer amendment—I have always made the motions to table—that no second-degree amendments be in order prior to the vote, and there be 2 minutes equally divided prior to the vote on each amendment. I believe this has been cleared.

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

Mr. STEVENS. I don't wish to seem preemptory about this. I thank the Senators for their courtesy in bringing the amendments to the Senate.

Can we make the second vote 10 minutes? I ask unanimous consent the vote on the Menendez amendment be a 15-minute vote and the Schumer amendment be a 10-minute vote.

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

Mr. STEVENS. I ask unanimous consent it be in order for me to ask for the yeas and nays on both amendments at the same time.

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

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

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

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

AMENDMENT NO. 4911

Mr. REED. Mr. President, I also ask unanimous consent to lay aside the pending amendment and send an amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself and Mr. BAYH, proposes an amendment numbered 4911.

The amendment is as follows:

(Purpose: To make available an additional $65,400,000 for additional appropriations for Aircraft Procurement, Air Force, for the procurement of Predators for Special Operations forces, and to designate the amount as an emergency requirement)

At the end of title IX, add the following:

SEC. 9012. (a) ADDITIONAL AMOUNT FOR AIRCRAFT PROCUREMENT, AIR FORCE.—The amount appropriated by chapter 3 of this title under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'' is hereby increased by $65,400,000, with the amount of the increase designated as appropriations for contingency operations directly related to the Global War on Terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Con. Res. 818 (109th Congress) and designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by Section 7035 of Public Law 109–234.

(b) AVAILABILITY FOR PROCUREMENT OF PREDATORS.—Of the amount appropriated by chapter 3 of this title under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', as increased by subsection (a), up to $65,400,000 may be available for procurement of Predators for Special Operations forces.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose specified in that subsection is in addition to any other amounts available in this Act for that purpose.

Mr. REED. Mr. President, I rise to offer an amendment along with my colleague from Indiana, Senator EVAN BAYH, which would provide an additional $65.4 million for the procurement of Predators for our special operations forces. The Predator is an unmanned aerial vehicle—or UAV, for

short—used for armed reconnaissance, airborne surveillance, and target acquisition. It has become a critical asset in the war on terror. It is a small, remotely piloted aircraft that brings the battlefront to the military.

Through the use of cameras and other sensors, the Predator monitors, in real time, buildings or people. Because it is unmanned, it is ideal for use in areas that are inaccessible to the U.S. military such as areas where the airspace is unsecure, the terrain is unpassable, or the environment is contaminated by chemical or biological weapons. The Predator system's hardware consists of a small monoplane with sensors, a ground control station, and data communications system.

The special operations forces—the front line in our war on terror—rely on Predator surveillance as part of their work to capture and kill the terrorists targeting our troops and the Governments of Iraq and Afghanistan.

There has been a lot of discussion recently about the war on terror. This is actually one of the systems which has been most decisive in killing the terrorists. That is why I think we have to support additional funding for this antiterrorist system.

Right now, special operations forces depend upon Air Force assets, which are already in high demand, for Predator support. With more Predators, we can be more effective in going after and taking out the terrorists. According to the Defense News article entitled ''Inside the Zarqawi Takedown: Persistent Surveillance Helps End 3-Year Manhunt,'' the capture of the terrorist Abu Mus'Ab al-Zarqawi—the leader of al-Qaida in Iraq, notorious for his despicable conduct—was facilitated decisively by Predator surveillance provided to special operations forces.

The Quadrennial Defense Review recognized that special operators need dedicated UAV support and called for the establishment of a UAV squadron organic to special operations forces.

The QDR reads:

> To achieve the future force characteristics for SOF—special operations forces—and to build on progress to date, the Department will: . . . establish a SOF unmanned aerial vehicle squadron to provide organic capabilities to locate and target enemy capabilities in denied or contested areas.

This special operations squadron would eventually provide coverage 24 hours a day, 7 days a week, to assist the forces working to capture and kill terrorists in Iraq and Afghanistan. The objective, according to GEN Doug Brown, Commander of the Special Operations Command, SOCOM, is to establish an ''unblinking eye,'' which would help special operators targeting terrorists.

The President's budget request for fiscal year 2007 included funding sufficient to begin to build the squadron, including the purchase of eight UAVs.

On April 6, VADM Eric Olson, Deputy Commander of SOCOM, testified to the Armed Services Committee that the command did not have sufficient surveillance platforms. On April 27, Senator BAYH sent a letter to the Armed Services Committee expressing his intent to address this issue via legislation. Subsequently, the Appropriations Committee took action in the fiscal year 2006 supplemental and accelerated funding for this purpose. This funding would have allowed the initial operating capability to be achieved in 2007, rather than 2008, and for the squadron to be fully operational with 24 UAVs in 2010 instead of 2011.

I believe this acceleration would have been significantly contributing to the capability of our Special Operations Command. However, the acceleration was reversed by the Appropriations Committee just a few months later when it cut the funding for the UAV procurement for SOCOM—a cut to the Air Force aircraft procurement line.

According to the Special Operations Command, this cut ''would negate the effect of the FY2006 Supplemental, . . . causing Full Operation Capability to revert back to the original timeline. This delay will adversely affect AFSOC's urgent ongoing requirement to conduct persistent intelligence, surveillance, reconnaissance, and targeting missions.''

The amendment Senator BAYH and I are offering would put the acceleration back on track by adding $65.4 million for six UAVs and associated equipment.

Just 2 weeks ago, during a trip to Afghanistan and Iraq, the Armed Services Committee staff was told by the special operations forces in both countries, who are working hard to track the terrorists targeting our troops and the Governments of Iraq and Afghanistan, that their No. 1 need is for Predator coverage. They need dedicated UAV support.

We have not captured Osama bin Laden yet, and unfortunately there are many more targets for the special operators to conduct reconnaissance, surveillance, and, we hope, preemption. There is no rationale for not accelerating the establishment of the UAV squadron.

SOCOM wants this, and they have stated such. They can execute this in the timeframe they have given the Congress. We need to increase the pressure on al-Qaida operatives in Iraq and Afghanistan as well as other terrorists attacking U.S. and coalition troops. These terrorists are threatening, each day, the success of our operations in Iraq and Afghanistan and the safety of our personnel.

If we really want to carry the fight to the terrorists, if we really want to individually and collectively go after and take out these terrorists, the Predator, according to our special operations forces, is a key ingredient in this effort. Rather than rhetoric about fighting the war on terrorism, let's give these special operators the tools to effectively fight and destroy terrorists wherever they may be.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I was off the floor, but I was informed of the amendment offered by Senators REED and BAYH. It is my understanding—the Senator from Hawaii concurs—we would be willing to accept this amendment.

Does the Senator want a vote on it? We would be happy to take it by voice vote if he is ready to let us accept it.

Mr. REED. Mr. President, I say to the Senator, my preference would be for a recorded vote, if possible. I think this is an important point about providing adequate resources to our special operators. Also, I would like to at least confer with Senator BAYH.

Mr. STEVENS. Very well. I have no objection. This money, if nothing else, would be available to replace some of the Predators that have been lost. So we are willing to accept it, but if the Senator wishes a vote, I would ask that—Mr. President, I ask for the yeas and nays on his amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the time for voting on this amendment be delayed until we can confer with the leadership.

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

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

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4909

Mr. LAUTENBERG. Mr. President, I rise to talk about the amendment offered by my friend and colleague from New Jersey, Senator MENENDEZ. As has been his tradition, as has been his experience, he brings forth an issue that I think is of special importance at this moment because while we discussed in these last few days the honesty with which we get information and data, we have recognized that there is often an attempt to obscure the truth from the American people about the war we are in at the moment.

We see it in different ways. We see it in the fact that, for instance, flag-draped coffins are not permitted to be photographed when the remains of our most courageous people fighting the

battle in Iraq are returned home. They come to a base in the State of Delaware, and it is prohibited to take pictures of those flag-draped coffins. That testimonial the country gives to these fallen soldiers is denied public view, as is the fact that there is another American, or more, lost in this quest to bring democracy to a country in which there is considerable doubt about whether they want our form of democracy. This amendment would make certain that no Department of Defense funds are used for propaganda.

Last week, we learned that the Defense Department wants to pay a company $20 million to monitor and analyze American and Middle East media to help improve the image of the U.S. Government and the military. I fully agree with him on the importance of limiting these funds for a propaganda campaign. I will not support the use of these funds in that manner.

The contractor being hired is expected to put together a database of news stories and assess their tone to come up with ways to get more glowing news coverage for the administration to try to convince the American people that things are going pretty much to plan and it just needs more time.

We don't talk about the fact that it needs, very often, more troops to do this assignment, without regard to whether we ought to be there at this time or whether they deserve the protections and equipment that is often missing. But we are not just talking about the Middle East press. This is Department of Defense money provided by U.S. taxpayers to comb American newspapers to track and evaluate their stories.

I can't say I am surprised by this development. After all, this administration has mastered the art of propaganda, and after I asked for investigations of the administration's propaganda activity, the Government Accountability Office, GAO, ruled that the administration violated law in several cases. Propaganda efforts by the Department of Health and Human Services and the Department of Education were ruled illegal by GAO.

So what did the administration do? Did it agree to abide by the law? Of course not. That is not their customary action, not this administration. The administration announced that it would ignore the GAO rulings. The administration sees the rule of law as kind of a speed bump, not a roadblock. That is why Congress has to cut off these funds for these propaganda efforts.

This isn't the Soviet Union. We promote a free press in this country. It is essential to our democratic functioning. Learn the truth, pleasant or unpleasant, and deal with it as we should—honestly. We should not be manipulating the news media in our country.

I want the news about Iraq to be better, too. We all have great respect and affection for those who are on the front line who are doing their duty in spite of questions about what the purpose is or when the return to their homes begins. But maybe if we made some changes in our leadership and in our strategy we wouldn't need a PR campaign to improve our image here or abroad. Instead of trying to make the current situation look better, we ought to focus on actually making it better.

If we have any money to spare, let's spend it on our troops making sure that everybody has body armor, the latest there is, to protect them, or that the humvees and other vehicles are appropriately armored to see if we can defend ourselves better against these roadside bombs and these attacks on our troops, or on developing better strategies to fight terrorism and to defend our country.

We are on the eve of the commemoration of 9/11. It was one of the events in American history that still shocks our psyche. The fact that in a single day almost 3,000 Americans were killed on our soil by foreign intervention still astounds even the grimaced imagination. The fact that these two tall towers fell—I had an office in one of those towers when I was a commissioner of the Port Authority of New York and New Jersey before I came to the Senate. They stood like cities, with 50,000 people going in and out, moving to their jobs, to their assignments, to their responsibilities, to their families, not only to their companies, not only to the services they provided. And we are still in search of the perpetrators.

We all want to see victory come out of this war. The problem is I am not sure we can define victory. It is too late for us to resume our lives as we used to live them without constantly having to show an ID, without constantly having to be in lines waiting, interfered with in our normal routine. The last thing we need is to cover up reality. That is what is taking place. This is an attempt to further cover up the reality, cover up the losses we are enduring, cover up the expense it is costing us. The financial costs are secondary to the loss of life, but, nevertheless, that is reality.

I commend my colleague from New Jersey, Senator MENENDEZ. He has brought thoughtful discourse to this body, and we welcome his attempt to clear the air, to make sure we are not spending money to color the issues, to give it a rosy tone, but to tell the truth and to not spend $20 million of taxpayer money on glossing over what is a very painful reality.

I hope our colleagues will fully support this amendment.

I yield the floor.

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Menendez amendment. Who yields time? The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I urge my colleagues to vote no on the motion to table the amendment. With all due respect, this isn't about any gag order. It is not about promoting whatever gains are made. We are happy to see whatever gains are made in the Defense Department, in the White House, and all of the Republican administration. They can roll out all of the good news they have. But what we don't need and what I hope the Senate will not vote for is $20 million of taxpayer funds for the purpose of having a public relations firm ultimately generate ''good press out of Iraq.'' That is not what we need. We need a change in policy, not a $20 million public relations contract.

Our amendment specifically allows the Department of Defense to continue to collect or analyze information in the news media, as they do now, but we do not need a $20 million public relations program. If my colleagues vote for the motion to table, they are voting to have that $20 million public relations program that the taxpayers will fund.

We can generate whatever good news may exist, but what we need is a change in policy. We don't need a PR program. This bill should be about flack jackets for our soldiers, not for the administration.

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

Mr. STEVENS. Mr. President, the Senator's amendment will prohibit spending monies for a program to create a database for news stories that are positive. I do think there is an exception to that which says it does not apply to collecting and analyzing information in the news media. So they can spend money to analyze all the negative aspects of our news media, but they cannot spend money to collect the data that is necessary to provide the positive side of what our people are doing and what the Iraqi people are doing in Iraq in this terrible situation over there. I really think it is a gag order. I don't see why they should be able to collect all the news stories, but they can't collect the information that is positive and make it available.

So I move to table this, and I believe we will have a vote here fairly soon. The 2 minutes equally divided will be after this amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct. Yes.

Mr. STEVENS. The yeas and nays have been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Rhode Island (Mr. CHAFEE), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON), and the Senator from Pennsylvania (Mr. SANTORUM).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

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

The result was announced—yeas 51, nays 44, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—51

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Frist	Shelby
Bunning	Graham	Smith
Burns	Grassley	Snowe
Burr	Gregg	Specter
Coburn	Hagel	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Talent
Collins	Inhofe	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner

NAYS—44

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Inouye	Nelson (NE)
Bingaman	Jeffords	Obama
Boxer	Johnson	Pryor
Byrd	Kennedy	Reed
Cantwell	Kerry	Reid
Carper	Kohl	Rockefeller
Clinton	Landrieu	Salazar
Conrad	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lincoln	Wyden
Durbin	Menendez	

NOT VOTING—5

Chafee	Isakson	Santorum
Chambliss	Lieberman	

The motion was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4897

The PRESIDING OFFICER. There are 2 minutes evenly divided prior to the vote on the motion to table the Schumer amendment. The Senator from New York.

Mr. SCHUMER. Mr. President, this amendment is very simple. The Taliban is gaining huge parts of Afghanistan, southern Afghanistan. The Taliban is all over the place. How do they fund themselves? How do they spread their hegemony? It is through opium. Opium production has doubled in a year. While we are making some efforts to fight it, we are not doing close to enough. If we want to stop the Taliban from going back to where they were before 9/11, we must stop the way they prosper, survive, and fund themselves. It is opium production. They make 90 percent of the world's heroin.

This amendment, very simply, adds money to the DOD budget so we can fight the scourge of opium and the scourge of terrorism to which it is interlinked in Afghanistan.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, NATO is in charge, now, of Afghanistan. The British Government is the lead agency in counterdrug operations. Notwithstanding that, in this budget we have $346 million for counterdrug efforts in Afghanistan. In addition to that, there is a carryover available from 2007. It will be almost $400 million already, and the Senator wishes to add another $700 million. It is not our function. The lead agency is NATO, now, in Afghanistan.

I have made a motion to table. I urge the Senators to vote to table this amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays were ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Rhode Island (Mr. CHAFEE), the Senator from Georgia (Mr. CHAMBLISS), and the Senator from Georgia (Mr. ISAKSON).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

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

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—45

Alexander	Domenici	McConnell
Allard	Enzi	Murkowski
Bennett	Frist	Nelson (NE)
Bond	Graham	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Burr	Hatch	Smith
Coburn	Hutchison	Specter
Cochran	Inhofe	Stevens
Cornyn	Kyl	Sununu
Craig	Lott	Thomas
Crapo	Lugar	Thune
DeMint	Martinez	Vitter
Dole	McCain	Voinovich

NAYS—51

Akaka	Dorgan	Menendez
Allen	Durbin	Mikulski
Baucus	Ensign	Murray
Bayh	Feingold	Nelson (FL)
Biden	Feinstein	Obama
Bingaman	Harkin	Pryor
Boxer	Inouye	Reed
Byrd	Jeffords	Reid
Cantwell	Johnson	Rockefeller
Carper	Kennedy	Salazar
Clinton	Kerry	Sarbanes
Coleman	Kohl	Schumer
Collins	Landrieu	Snowe
Conrad	Lautenberg	Stabenow
Dayton	Leahy	Talent
DeWine	Levin	Warner
Dodd	Lincoln	Wyden

NOT VOTING—4

Chafee	Isakson
Chambliss	Lieberman

The motion was rejected.

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

The amendment (No. 4897) was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 4857

Mr. KENNEDY. Mr. President, I had filed an amendment on behalf of myself and the Senator from Utah, Mr. HATCH, amendment No. 4857, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mr. HATCH, proposes an amendment numbered 4857.

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

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

The amendment is as follows:

(Purpose: To provide that none of the funds appropriated by this Act may be available for the conversion to contractor performance of certain activities or functions of the Department of Defense in cases where the contractor receives a competitive advantage by offering inferior retirement benefits to workers who are going to be employed in the performance of such activities or functions than those offered by the Department to comparable civilian employees)

On page 160, line 7, strike ''; or'' and insert a semicolon.

On page 160, line 14, strike the period at the end and insert the following: ''; or

(C) offering to such workers a retirement benefit that in any year costs less than the annual retirement cost factor applicable to Department of Defense civilian employees under chapter 84 of title 5, United States Code.

Mr. KENNEDY. Mr. President, we know that vast numbers of Americans are increasingly concerned about their economic future. More than half of all workers describe themselves as ''worried'' or ''stressed'' about the state of the economy, and growing numbers of workers fear they will not be able to meet, much less surpass, the standard of living of their parents.

One of the primary factors contributing to these fears is the worsening crisis in the Nation's retirement system. The cornerstones of retirement security—private pensions, private savings, and Social Security—are increasingly at risk. Far too many working Americans will face retirement with little in their pocket—and with nothing to show for their long years of loyal service and hard work.

The pension reform legislation enacted this year will help companies keep the pension promises they have already made to workers, but we need to do much more to encourage employers to provide adequate retirement benefits to their hardworking employees.

Today, less than half of all private-sector employees have any retirement plan at all at work, and the number of workers with a secure defined-benefit pension plan has been cut in half since 1980.

Employer-provided retirement plans are essential for retirement security for working families. Workers are far more likely to save money for retirement through an employer-offered pension than if they are left to save on their own.

Unfortunately, instead of encouraging more companies to provide good retirement benefits to their employees, current Federal contracting rules actually discourage many private companies from helping their employees save for retirement. The competitive bidding process for contracts favors private employers who shortchange their workers on retirement benefits. Firms that provide no retirement benefits or only meager benefits often win bid to perform Government work even when the cost savings from their bid are attributable solely to the lack of retirement benefits they provide.

This unfair policy creates a dangerous race to the bottom in which private sector companies compete against each other to see who can provide the fewest benefits to their workers. As a result, the bidding process is actually increasing the number of Americans whose retirement security is in jeopardy. That is both illogical and unconscionable.

In addition, this skewed privatization policy is fundamentally unfair to Federal workers who lose contracts simply because they receive decent benefits. Valued Federal employees are losing their jobs because they cannot compete on an unfair playing field with employers who are shortchanging their workers.

Defense workers are particularly at risk. Now, this year alone, the Department of Defense is putting more than 10,000 civilian employees at risk of unfair termination—more than any other Federal agency—and it has announced plans to increase this number in the future.

Thirty-five percent—35 percent—of civilian Defense employees are veterans. Hundreds more are active reservists currently serving in the Iraq war. The least we can do for these dedicated and patriotic Americans is to let them compete on a level playing field to save the jobs they come home to after their service to their country.

The amendment Senator HATCH and I are offering will protect these workers by preventing contractors from winning bids for Government work solely because they provide inadequate retirement benefits to their employees or no retirement benefits at all. Our goal is obvious: to protect hard-working Federal employees from unfair competition. They should not lose their jobs because they cannot compete with private contractors on an unlevel playing field.

The amendment does not dictate the retirement benefits that employers must provide or require contractors to change their existing benefits. It simply levels the playing field for Federal employees and contract employees by excluding costs related to retirement from a privatization review. All the amendment does is prevent contractors from winning bids solely because they offer inferior retirement benefits.

The underlying bill already includes provisions to level the playing field for health care benefits. We need to do the same for retirement benefits.

Our bipartisan amendment is an issue of basic fairness. It is fair to private sector workers who will otherwise lose their retirement benefits in a ''race to the bottom.'' And it is fair to Federal employees who will otherwise lose their jobs to unfair competition.

I strongly urge my colleagues to support our amendment.

Mr. President, just a few additional comments. The question that is raised is, is this going to add complicated accounting procedures? The answer is, quite clearly, no. We have seen, for example, that when we eliminated the current health issues out of the contracting, that worked out very easily and worked out in a way to ensure a greater fairness. As I mentioned, a great percentage of these workers are both men and women who have been in the military; a great percentage of them are both in the Reserve and the Guard. It is an unusually high percentage of them because we know that preference is given, and legitimately so, when there is an opening in the contracting for veterans.

So there is a particularly and disproportionately high number of these workers who have served their country in the service, in the Reserves, and in the National Guard.

This is really what we are doing. I have the good opportunity to be with my chairman, Senator ENZI, chairman of our conference on pensions. We worked very closely with the members of the Finance Committee, Senators GRASSLEY and BAUCUS, in an often tedious conference. We spent a great deal of the time on retirement benefits and on what is happening to those benefits for workers. We have seen the results. Savings are way down. We are going to have to give focus and attention to the issues on Social Security. Pensions are the third part of that stool, which is absolutely essential in terms of a secure retirement.

In so many instances, those pension rights, as we read in the newspapers every day, are increasingly threatened, and increasingly at risk, and increasingly lost. I agree with Senator HATCH and others that it would be poor policy for us to have as a matter of Federal preference competitions. These Federal employees have certain kinds of retirement benefits, and that is being held against them in a competition in which they otherwise would be successful. That will obviously result in companies that want to do business with the Federal Government getting rid of their pension plans, and it will disadvantage those who are working in the Federal employment system.

Mr. President, I commended our colleagues previously for taking into consideration the current health issues and comparisons. We are talking about retirement benefits. I think the case is strong and, hopefully, we can take this to conference and have the opportunity to explore it. I have talked to both the chairman and the ranking minority member over the last few days. I believe the staffs are familiar with the issue. Hopefully, we can accept this and take it to conference. Senator HATCH and I would be glad to respond to additional questions.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NO. 4913, AS MODIFIED

Mrs. BOXER. Mr. President, I call up amendment No. 4913 and ask unanimous consent to send a modification of the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4913, as modified.

Mrs. BOXER. 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, as modified, is as follows:

(Purpose: To require a report on procedures and guidelines in the event of further sectarian violence)

At the end of title IX, add the following:

SEC. 9012. (a) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth procedures and guidelines of the Department of Defense to protect United States military and civilian personnel (should sectarian violence further increase in Iraq.)

(b) FORM.—The report required by subsection (a) may be submitted in classified form.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED. In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on International Relations, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

Mrs. BOXER. Mr. President, my amendment simply requires the Secretary of Defense to submit a report on the procedures and guidelines necessary to protect U.S. military and civilian personnel in the event of a further increase in sectarian violence in Iraq.

Right off the top, I thank Senator STEVENS and his staff and Senator INOUYE and his staff. They really helped me in getting this amendment accepted. It means a lot to me because I worry deeply about this situation.

The reason I worry is, as we look at this war, we just have not seen plans. We have not seen that we have been ready for the contingencies we face. We never seem to plan for the worst-case scenario. Frankly, I think we need to do that in this case because we have not been right in predicting what would happen. We have seen, over time, that we have not had enough body armor, we have not had enough up-armored HMMWVs or countermeasures against roadside bombs.

Frankly, the American people are losing confidence that we are prepared to protect our troops in the case of a full-scale sectarian conflict.

There was a quote in the paper recently from the commander of day-to-day operations in Iraq. This is the quote:

> Quite frankly, in 33 years in the United States Army, I never trained to stop a sectarian fight.

Let me repeat that. This is from the commander on the ground in Iraq:

> Quite frankly, in 33 years in the United States Army, I never trained to stop a sectarian fight.

Now, for 6 months I have been asking Secretary Rumsfeld for a plan for our troops in the event there is a full-blown civil war in Iraq. And I have not received any kind of answer on it. After I sent my first letter to the Secretary asking for such a plan, I got a letter back from Under Secretary of Defense Eric Edelman. And he said:

> Recent acts of violence intended to spark civil war have failed.

That is the answer to my letter. When I asked: What is your plan in case civil war breaks out, he said: Well, there isn't a civil war. Obviously, that is not good enough.

My second letter to Secretary Rumsfeld was answered by Deputy Secretary Gordon England. He told me:

> Iraq's enemies are intent on provoking widespread intercommunal conflict but they are not succeeding.

So, again, a lot of reassurances but no plan.

So, once again, I did not receive any type of answer that gave me any solace that there is some planning to protect our troops and our civilian personnel if things get worse over there.

Now, we know the number of monthly incidents of sectarian violence increased from 5 per month in 2003 to 250 per month in 2006. Let me say that again. Monthly incidents of sectarian violence increased from 5 per month in 2003 to 250 per month in 2006.

Well, why do we need a plan now? I think the facts speak for themselves. The Pentagon's latest report that we received on conditions in Iraq, which was dated August 2006, said:

> Concern about civil war within the Iraqi civilian population and among some defense analysts has increased in recent months.

And this is what they said:

> Conditions that could lead to civil war exist in Iraq.

So if the Pentagon is telling us conditions that could lead to civil war exist in Iraq, the least we can expect from our Pentagon leadership is for them to provide some kind of contingency plan to protect our troops and civilian workers we have over there.

July saw the highest level of weekly attacks since military operations in Iraq began. Since last spring, the number of daily casualties, both military and civilian, reached nearly 120 per day, up from approximately 80 per day.

According to the United Nations—and I believe this is also quoted in this report, so this is the Pentagon quoting the United Nations—an estimated 22,977 families—or 137,862 individuals—have been displaced in Iraq due to sectarian strife since the February 22, 2006, Samarra Mosque bombing.

So for those people who put their head in the sand and say, this sectarian strife, it is going to go away, the people really do not want it, the facts belie that. I would say to my colleagues, think of one of your towns. And 137,862 would be one of your very large towns. If everyone in that town left that town, that is how many people have been displaced in Iraq due to sectarian strife.

General Peter Pace, Chairman of the Joint Chiefs, acknowledged to one of our committees there is a possibility of the situation in Iraq evolving into civil war. And he did not anticipate such a situation a year ago.

So when I heard about that, I sent a third letter—a third letter—to Secretary Rumsfeld asking: What is the plan in case of civil war? That letter remains unanswered.

Now, there is no reason the Secretary of Defense cannot provide the relevant committees in the House and the Senate a plan in case of civil war. My amendment will allow for this plan to be submitted in a classified form. I think that is very important because we certainly do not want that published. But we want to know that it exists and that there is a plan to protect our troops and civilians. Congress has the responsibility to provide oversight of the executive branch. Congress failed to ensure that the administration had a plan to win the peace in Iraq. We all know that. I saw Senator BIDEN just briefly on the Senate floor, and he was one of those voices, along with Senator LUGAR—bipartisan—way early asking: Where is the plan? Where is the plan? Where is the plan? We never had it.

Now the President says: We will be in Iraq. As long as I am President, we will stay in Iraq.

That is not a plan. That is an admission of no plan, no exit strategy. So at least let us have a plan, a contingency plan, that if the sectarian violence escalates, we know that our people will be protected.

I again thank Senator INOUYE, Senator STEVENS, and their staffs because I have to say without their help—this was a bit contentious, but we worked on it until we got it so that it could be accepted on both sides. I am very grateful.

At this time, I yield the floor and ask, at the appropriate time, we have a voice vote on this amendment.

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. BURNS. 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. BURNS. Mr. President, I ask unanimous consent that Senator DORGAN and I be added as cosponsors to amendment No. 4914.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I ask for the adoption of the Boxer amendment at this time with a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4193, as modified.

The amendment (No. 4193), as modified, was agreed to.

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.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Kennedy amendment No. 4857 be agreed to, with the motion to reconsider laid upon the table. I further ask unanimous consent that the Rockefeller amendment No. 4906 be withdrawn, and further, that the managers' amendment, which has been cleared by both managers, which is at the desk, be considered and agreed to and the motion to reconsider be laid upon the table. I ask unanimous consent that following this action, the Senate proceed to vote in relation to

the Reed amendment No. 4911, with no second-degree amendment in order to the amendment prior to the vote and that there be 4 minutes for debate equally divided prior to that vote. I ask unanimous consent that following disposition of that amendment, the only other amendment in order to the bill be the Bingaman-Domenici-Burns-Dorgan amendment relating to firefighters, and that following disposition of that amendment, the bill be read a third time and the Senate proceed to vote on final passage of the bill, the Senate then insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

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

The amendment (No. 4857) was agreed to.

The amendment (No. 4906) was withdrawn.

The amendments were agreed to, as follows:

AMENDMENT NO. 4900

(Purpose: To make available up to $2,000,000 for infrastructure for the Afghanistan military legal system)

At the end of title VIII, add the following:

SEC. 8109. Of the amounts appropriated or otherwise made available by this Act, up to $2,000,000 may be available for infrastructure for the Afghanistan military legal system.

AMENDMENT NO. 4894

(Purpose: To make available from Other Procurement, Army, up to $1,500,000 for a Convoy Training Simulator for the Montana Army National Guard)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title III under the heading ''OTHER PROCUREMENT, ARMY'', up to $1,500,000 may be available for a Convoy Training Simulator for the Montana Army National Guard.

AMENDMENT NO. 4916

(Purpose: To make available from Research, Development, Test and Evaluation, Navy, up to $300,000 for independent testing of the Joint Improvised Explosive Device Neutralizer III)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by the title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $300,000 may be available for independent testing of the Joint Improvised Explosive Device Neutralizer III, with such test to be designed and conducted by the Marine Corps Warfighting Laboratory.

AMENDMENT NO. 4901

(Purpose: To make available from Research, Development, Test and Evaluation, Defense-Wide, up to $1,500,000 for the development of a field-deployable hydrogen fueling station)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $1,500,000 may be available for the development of a field-deployable hydrogen fueling station.

AMENDMENT NO. 4903

(Purpose: To make available from Research, Development, Test and Evaluation, Defense-Wide, up to $6,000,000 for research and development on bioterrorism threats to troops)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $6,000,000 may be available for bioterrorism protection research (PE #0601384BP).

AMENDMENT NO. 4917

(Purpose: To provide the Secretary of the Army the ability to reimburse servicemembers and their families for financial hardships due to extended deployment overseas)

At the end of title VIII, add the following:

SEC. 8109. Notwithstanding any other provision of law, the Secretary of the Army may reimburse a member for expenses incurred by the member or family member when such expenses are otherwise not reimbursable under law:

Provided, That such expenses must have been incurred in good faith as a direct consequence of reasonable preparation for, or execution of, military orders:

Provided further, That reimbursement under this section shall be allowed only in situations wherein other authorities are insufficient to remedy a hardship determined by the Secretary, and only when the Secretary determines that reimbursement of the expense is in the best interest of the member and the United States:

Provided further, That this provision shall only apply to soldiers assigned to the 172nd Stryker Brigade Combat Team.

AMENDMENT NO. 4912

(Purpose: To increase by $20,000,000 the amount made available by chapter 2 of title IX for Operation and Maintenance, Defense-Wide for the purpose of assisting the African Union force in Sudan)

At the end of title IX, add the following:

SEC. 9012. (a) Congress makes the following findings:

(1) Despite the signing of the Darfur Peace Agreement on May 5, 2006, the violence in Darfur, Sudan, continues to escalate and threatens to spread to other areas of Sudan and throughout the region.

(2) The African Union Mission in Sudan (AMIS) currently serves as the primary security force in Sudan, but is undermanned and under-equipped.

(3) Although the United Nations has approved sending a peacekeeping force to Darfur, the African Union Mission in Sudan (AMIS) will need to expand its manpower and capability in order to assist or serve as a bridge force until the United Nations peacekeeping force can be deployed.

(b) The amount appropriated or otherwise made available by chapter 2 of this title under the heading ''OPERATION AND MAINTENANCE DEFENSE-WIDE'' is hereby increased by $20,000,000.

(c) Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', as increased by subsection (b), $20,000,000 may be available—

(1) to assist in the training, support, and equipping of the African Union Mission in Sudan (AMIS) to bolster its efforts to protect the civilian population in Darfur;

(2) to facilitate the air-lifting of AMIS forces into the Darfur region as quickly as possible; and

(3) to assist and expand the logistics capability of the African Union Mission in Sudan (AMIS).

(d) The amount made available by subsection (b) is designated as appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 4502 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

(e) The Secretary of Defense may transfer funds made available by subsection (b) to other appropriations to accomplish the purposes of this section. This transfer authority is in addition to any other transfer authority available to the Department of Defense. The Secretary shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

AMENDMENT NO. 4918

(Purpose: To make available from Research, Development, Test and Evaluation, Defense-Wide, up to $1,000,000 for research and development on the heavy fuel diesel engine)

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for DARPA Management Headquarters, up to $1,000,000 may be available for the Heavy Fuel Diesel Engine (PE #0603286E).

Mr. STEVENS. Mr. President, that now means the floor is open for consideration of the Bingaman-Domenici-Burns-Dorgan amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 4915

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. DOMENICI, Mr. BURNS, Mr. DORGAN, and Ms. CANTWELL, proposes an amendment numbered 4915.

Mr. BINGAMAN. 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 appropriate funds for emergency wildlfire suppression)

On page 230, between lines 16 and 17, insert the following:

DEPARTMENT OF THE INTERIOR

For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF THE INTERIOR'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $100,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of the Interior, *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

DEPARTMENT OF AGRICULTURE

For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF AGRICULTURE'' of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $175,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of Agriculture, acting through the Chief of the Forest Service, *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, this amendment is the one that the floor manager, the chairman, indicated was to be considered now. It relates to wildfire management and is one that has strong support on both sides of the aisle. I urge my colleagues to support the amendment.

I know Senator BURNS wishes to speak as well.

I yield the floor.

Mr. STEVENS. Mr. President, it is my understanding this is a modified amendment, modified from the original form. I ask the Senator from New Mexico if that is the case.

Mr. BINGAMAN. Mr. President, that is correct. This is in modified form from what was earlier filed as an amendment. I believe the concerns earlier raised have been resolved.

Mr. STEVENS. Mr. President, I thank the Senator and ask for adoption of the amendment.

Does Senator BURNS wish to comment?

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank the Senator from Alaska. I thank Senator BINGAMAN for his work on this amendment. We heartily approve the amendment. It has strong support on this side of the aisle.

Ms. CANTWELL. Thank you, Mr. President. Before I make my statement, I want to take a moment to thank Chairman STEVENS and Senator INOUYE for their leadership in getting this vitally important defense appropriations bill to the Senate floor. I know that that the chairman and ranking member believe, as I do, that ensuring sufficient funding for our brave fighting men and women during this incredibly challenging Iraq war is an urgent national priority. I appreciate their hard work and look forward to making sure we complete work on this legislation before the end of the fiscal year.

Today, I am here to speak on another issue critical to Washington State, and many States throughout the Nation: the threat of wildfires. To date, we are in the midst of the most active fire year of the decade. That may surprise many of my colleagues who remember the devastating fires a few years ago. But as of today, more than 8.4 million acres have burned as a result of 84,000 fires across the Nation this year. To put this year into perspective—compared to the 10-year national average, this year 73 percent more acres have already burned. Already, this is the third worst fire year since 1960.

As we speak, our brave wildland firefighters across the Nation are fighting 62 wildfires that have burned more than 1 million acres and continue to burn in 11 States. Idaho, Montana, Nevada, Oregon, and Wyoming all have active fires that have burned at least 25,000 acres.

In my State, Washington, an area nearly half the size of Rhode Island is ablaze. More than 309,000 acres have burned in Washington State as a result of 13 active fires. The largest fire in Washington, the Tripod Complex Fire, has burned 163,000 thousand acres. In Southeastern Washington, residents and farmers alike have been dealing with and fighting the Columbia Complex Fire. That fire has burned more than 90,000 acres—including some homes and valuable wheat crops—forcing the evacuation of hundreds of Columbia County residents in and around the city of Dayton during the last month.

Fighting these fires has truly been a national priority and I want to thank all of the firefighters, soldiers, local and State officials, and many others who have worked so hard to protect our citizens and property. Last week, when my office called the Incident Command Center for the Columbia Complex Fire in Waitsburg, Washington, a firefighter from Louisiana picked up the phone. Louisiana joined firefighting personnel from the State of Washington, Oregon, Arizona and New Mexico, the Confederated Tribes of the Umatilla Indian Reservation, Australia, Canada, and New Zealand.

This year the Department of Defense has been involved for the first time since 2003. ''Task Force Blaze,'' a 550-soldier battalion was mobilized from Fort Lewis to assist with firefighting activities on the Tripod Fire last month. Air National Guard Units in Wyoming, Colorado, Oregon, and California have been mobilized as part of the firefighting effort.

This situation is all too familiar to this part of the Pacific Northwest. Citizens in Columbia County were forced to deal with the School Fire last year that raged for 13 days, burning 52,000 acres and destroying 215 homes and other structures. Unfortunately, we are facing another all too familiar situation, running out of money to fight these fires.

While Congress is aware of this perennial problem, and has wisely boosted wildland fire fighting money the last few years, this season's unusually high fire activity in Washington State and across the Nation has strained us further still. In Washington State for example, more than 3,300 firefighting personnel are bravely fighting these stubborn blazes. That is why I am a cosponsor of Mr. BINGAMAN's critical amendment.

Any day now, the Federal Government will have spent all of its available funding for wildland firefighting for this fiscal year. This will leave our primary firefighting agencies—the Forest Service and the Department of Interior—stuck with the choice of either cutting back firefighting efforts from the more than 1 million acres burning today, or cutting back from other necessary activities. Without these emergency funds, national forests throughout the country would likely have to cut back on vital maintenance or services to the public. And if we are forced to tap into the land and water conservation fund, we might have to forgo preserving pristine or unique lands.

In these extraordinary circumstances with thousands of people affected by wildfires from Montana to Washington to Wyoming—I believe that providing Federal wildland firefighting agencies with the adequate resources should be a top priority. That's why I support the Bingaman amendment to provide an additional $275 million in emergency funding for wildfire suppression activities. Specifically, based on the resource projections provided to us by the administration, $175 million would be made available for the Forest Service and $100 million to the Department of Interior. These funds will help assure the thousands of our citizens in communities across the Nation that the Federal Government will have the adequate resources to continue fire suppression activities without borrowing from other important programs.

When we run out of funding, we will have depleted available appropriations for fire suppression and a nearly $500 million reserve fund to deal with these emergencies. I recognize that we will probably need to do a lot more for firefighting and I look forward to supporting those efforts. However, based on available projections from the Federal Government providing $275 million now will help provide some immediate relief.

While this is an extraordinary fire year, this is not a new issue for Congress to deal with. Over the last few years, Congress has added emergency appropriations and reserve accounts in response to wildfire suppression activities and other fire-related activities. As recently as 2004, we added $500 million in emergency funding to the fiscal year 2005 Defense appropriations bill for wildfire suppression activities.

With a million acres burning across the Nation in 11 States—American citizens deserve to know that the Federal Government is doing everything it can to protect them, their property, and their communities. I think it is critical to provide these additional funds and I urge adoption of the Bingaman amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 4915.

The amendment (No. 4915) was agreed to.

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.

Mr. STEVENS. Mr. President, are there any other pending amendments not taken care of by the unanimous consent agreement? It is my understanding from the unanimous consent agreement that the only other amendment to be considered on this bill was the Bingaman amendment, and we now have a vote on the Reed amendment.

The PRESIDING OFFICER. The Senator is correct. The Reed amendment is the only remaining amendment under the unanimous consent agreement.

Mr. STEVENS. There is 4 minutes equally divided. I suggest the absence of a quorum, awaiting the arrival of the Senator from Rhode Island.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4911

Mr. STEVENS. Mr. President, I understand the pending business is the Reed amendment with 4 minutes equally divided; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REED. Mr. President, I ask unanimous consent that Senator CONRAD be added as a cosponsor of this amendment.

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

Mr. REED. Mr. President, this amendment that is offered by myself and Senator BAYH would add $64.7 million to continue an accelerated acquisition of Predator. These are unmanned aerial vehicles that are critical to our war on terror. They were instrumental in the detection and the ultimate destruction of Zarqawi and other terrorists. They are the chief tool of our special operations forces in terms of going after, seeking, finding, and destroying terrorists and terrorist networks.

There was a plan to accelerate the deployment of these UAVs. That plan was disrupted, if you will, because of decisions previously made. But I think today we can send a uniform and unanimous message that we need to acquire these six additional UAVs to create ultimately a squadron of UAVs for our special operations command. With these weapons systems, we can continue to deal effective and decisive blows against terrorists. I urge unanimous passage of this legislation adding $64.5 million. I commend Senator BAYH because he really was a leader in this effort in terms of drawing the attention of the committee to this shortfall in funding and requesting that it be added with this amendment.

I reserve the balance of any time remaining.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, we were willing to accept this amendment when the Senator first brought the Predator to the attention of this Congress. I am delighted to see more Predators being bought. This is sort of a premature type of advance. These monies would have been requested anyway for 2007, but we checked with the Department and they are willing to proceed with it now.

I urge the adoption of the amendment, and I yield back the remainder of my time.

Mr. REED. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. REED. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The question is on agreeing to amendment No. 4911.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—98

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

NOT VOTING—2

Chafee	Lieberman

The amendment (No. 4911) was agreed to.

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

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

The motion to lay on the table was agreed to.

FUNDING TRAUMATIC BRAIN INJURY

Mrs. HUTCHISON. Mr. President, as the Senate prepares for final passage of H.R. 5631, the fiscal year 2007 Defense appropriations bill, I would like to thank my colleagues for accepting an amendment that I cosponsored which addresses the growing concern of a number of veterans returning from combat operations overseas that may have traumatic brain injury, TBI.

According to reports, preliminary research by the center shows that about 10 percent of all service personnel, and up to 20 percent of frontline personnel, suffer concussions during combat tours. Like any medical condition, early diagnosis is the key to successful intervention and treatment.

Unfortunately, many are not being properly screened for this serious and debilitating condition. TBI clinically presents many of the same signs and symptoms of post traumatic stress disorder, PTSD. These two serious but very different medical conditions require separate and distinct treatment programs.

Because it is so important that our veteran care facilities have the proper training to distinguish between these two illnesses, I included language in the fiscal year 2007 Military Construction and Veterans Affairs appropriations bill requesting the Department of Veterans Affairs to establish a separate education program to better diagnose TBI.

With final passage of this bill, we have another opportunity to further strengthen our efforts to better understand and treat TBI. I am proud to cosponsor this amendment which will add an additional $12 million in funding for the Defense and Veterans Brain Injury Center, DVBIC. The DVBIC is a collaboration between the Defense Department and the VA to deliver care to patients with TBI.

During testimony earlier this year, leaders of the DVBIC testified that the center needed $19 million in funding for fiscal year 2007. This amendment brings the total funding from the $7 million requested to a total of $19 million. This funding level is important because it will ensure our combat veterans receive the quality care they deserve.

Mr. ALLEN. I thank my good friend from Texas for her support by cosponsoring my amendment. I have enjoyed a wonderful working relationship with Senator HUTCHISON on a number of issues, especially veterans issues. We have worked together to increase veterans health care funding as well as veterans research funding. We just recently worked together on an amendment to provide credit monitoring services to Veterans and active duty servicemembers at no cost in response to the theft of a Veterans Administration laptop computer.

Senator HUTCHISON and I, as well as other Senators from both sides of the aisle, are here today in an effort to give our veterans the health care they

so rightfully deserve. Those returning servicemembers who suffered a traumatic brain injury need the best quality care available and this amendment is a long step in that direction. I thank the Senior Senator from Texas for her support and her leadership as chairman of the Veterans Affairs Appropriations Committee on this issue.

OPERATION AND MAINTENANCE

Mr. KOHL. Mr. President, I rise today to ask the chairman and ranking member of the Defense Appropriations Subcommittee for clarification of language that appears in title IX, on page 238 of the committee's report. Under the heading ''Operation and Maintenance'' there is a writeup entitled ''Pre-Deployment and Post-Deployment Training.'' The committee states in part ''The Committee believes that costs accrued at home station for the aforementioned activities are allowable costs for the use of title IX funding. To the extent that such training, maintenance and reset activities displace normal peacetime training events, the amounts provided to the Department in title IX operation and maintenance accounts should be used to ensure full support of pre-deployment and post-deployment operations, as well as for continuing combat and security operations in support of the global war on terror.''

Senator INOUYE and Senator STEVENS, is it the committee's intent that funds provided in this title for national and field level reset repair be available for the reset of equipment used for predeployment and post training but not otherwise deployed?

Mr. STEVENS. Yes, that is the committee's intent.

Mr. INOUYE. I concur with the Senator from Alaska in regards to the committee's intended purpose of funds provided for Army reset programs.

Mr. KOHL. Given this interpretation, I urge the committee to work with the Army to ensure that funds provided in this title and elsewhere in this bill should be used for upgrading equipment to current production type, model, and series, where determined by the Army Acquisition Executive to be required and cost effective, to include equipment used for predeployment training but not otherwise deployed.

Mr. STEVENS. The committee will encourage the Army to do so and thanks the Gentleman from Wisconsin for raising this important issue.

Mr. INOUYE. Yes, thank you.

Ms. MIKULSKI. Mr. President, next week we will be commemorating an event that none of us can forget and none of us wants to relive.

We mark September 11, 2001, as a day of national tragedy. But out of the ashes rose a determination to bring the sponsors of this terrorism to justice and to reform the intelligence system that that we depend on to prevent such predatory attacks in the future.

In those first weeks and months after the attacks, we were united as a nation and enjoyed the sympathy and support of the world. We went after Osama bin Ladin and the government that hosted him, with some of America's best and bravest. We assembled some of our wisest and most experienced leaders to investigate the events leading up to the attack and to recommend a path of reform.

Since 2001 when I joined the Senate Intelligence Committee, I have worked to bring about intelligence reform. The Intelligence Reform and Terrorism Prevention Act of 2004 was an important milestone on this journey. Important structural changes were made to our intelligence community and barriers removed to information sharing between agencies.

But where are we now?

The operational failure of 9/11 was followed by an analytical failure in Iraq. The hidden agenda of the White House and the President's lack of interest in objective analysis compounded the consequences of flawed intelligence. The President did not level with the public before the war. He did not keep his eye on hunting down al-Qaida. Instead, he led us into an unnecessary and disastrous war in Iraq.

Instead of providing oversight of the executive branch, congressional leadership has provided a rubberstamp. Instead of providing an independent voice, it has offered an echo chamber. Instead of helping the Senate Intelligence Committee investigate the Iraq intelligence failure, it has helped the White House push roadblocks in our path. And instead of taking care to safeguard liberty as we enhance security, it has closed its eyes on violations of the law and betrayal of our values.

In spite of some strong disagreements on specific issues, the Senate Intelligence Committee has come together on a bipartisan basis to implement the reforms already adopted and advance additional reform measures.

But last year, the leadership in the Senate did not allow the committee's authorization bill to be debated and voted on by the full Senate. For the first time in 28 years, the committee was blocked from carrying out its most basic function—the authorization of U.S. intelligence programs.

This month, we have learned that the majority leader does not intend to bring the fiscal year 2007 intelligence authorization bill to the floor before the Senate's fall recess. Again we face the prospect of the leadership preventing the Intelligence Committee from doing its job.

This is irresponsible and unacceptable. The authorizing committee should be the congressional vehicle for intelligence reform. The members of the committee spend the time needed to understand the issues. And we operate under special rules to keep our Nation's most sensitive secrets.

As a member of the Senate Appropriations Committee, I will do my best to make sure the intelligence community is adequately and appropriately funded. But providing direction and guidance for intelligence activities is the job of the Intelligence Committee.

Senator ROCKEFELLER, the distinguished vice chairman of the Intelligence Committee, elaborated from the floor this week about what is at stake. The fiscal year 2007 intelligence authorization bill, passed unanimously by the committee, included provisions: to enhance or clarify the authority of the Director of National Intelligence; to encourage information sharing and access; to establish a statutory inspector general of the intelligence community; to elevate the heads of the technical intelligence agencies by requiring them to be appointed by the President with Senate advice and consent; to improve the timeliness and completeness of information provided to the committee, and; to streamline the security clearance process for National Geospatial-Intelligence Agency employees and contractors.

These measures are not trivial. If enacted, they will save lives and they will save money. They will help restore congressional oversight where it is lacking. They will help prevent abuses in intelligence operations, which bring dishonor to our nation.

In short, these measures are critical to our national security. They should not be casually discarded.

Senator ROCKEFELLER has repeatedly raised his concerns with the lack of congressional oversight of the warrantless surveillance program conducted by the National Security Agency. I join him in expressing those concerns from the perspective of a member whose state proudly hosts the headquarters of that invaluable agency.

After a long struggle against White House foot-dragging, members of congressional intelligence committees are finally being briefed on this 5-year-old program.

But as Senator ROCKEFELLER points out, we have still not received the information necessary to adequately understand and evaluate the program. Nor have we been allowed to use the Intelligence Committee's specialized staff—such as the minority counsel and the NSA monitor—who are best qualified to help us with this task.

Under these conditions, the Senate cannot evaluate the need for the warrantless surveillance program and cannot propose legislative remedies for the alleged deficiencies of the current law. These circumstances must change.

Mr. President, intelligence is at the forefront in our fight against terrorism, just as it was in our long Cold War struggle against communism. Congress has a duty under the Constitution to be a critical and coequal partner in this fight. I join Senator ROCKEFELLER in urging the leadership of the Senate to let us get on with it.

Mr. MCCAIN. Mr. President, I want to discuss the Defense Appropriations Act for fiscal year 2007, which is one of the most important of the appropriations measures that we consider annually. This legislation will provide critical funding for the men and women in

our armed forces who, at this very moment, are in harm's way. We must support them, and, for that reason, I will vote in favor of its passage. But I have serious concerns over the earmarks contained in the committee report accompanying this bill.

The bill reported out of committee appropriates over $453 billion. This is more than $9 billion below the President's request and I am discouraged that it required a $13 billion amendment designated as emergency funding to get back to the President's requested funding level. Also, as is the case with so many of the appropriations bills that come to the floor, the report accompanying it contains hundreds of earmarks that were neither requested nor authorized—to the tune of over $4 billion. During a time of war we should be making every effort to support the President's budget request instead of slashing it and then adding earmarks for favored projects.

Every day we ask the brave men and women who fight for freedom on behalf of our great nation to make sacrifices. They sacrifice in Iraq and Afghanistan as well as several other places around the globe. Our soldiers have sacrificed and their families have sacrificed. And so, we in the Congress should exercise some degree of self-restraint and sacrifice as well.

Let me mention a few of the add-ons that were included in the bill's accompanying report that were not requested in the President's budget and were not on any of the armed services unfunded priority lists—some of which have next to nothing to do with the Department of Defense or its mission:

$2 million for automotive research;

$2 million for Precision Polishing of Large Objects;

$3 million for improved shelf-life for Vegetables;

$2 million for Brown Tree Snakes;

$117 million for an Oceanographic Survey Ship;

$75 million for the Allegany Ballistics Lab in West Virginia;

$18.5 million for a Air Force C–17 Maintenance Training System in Hawaii;

$8 million for the Allen Army Airfield in Alaska;

$1.5 million for Fort Detrick in Maryland;

$4 million for disposable dental masks; and

$3.5 million for Hibernation Genomics.

Once again, there are also many earmarks that may be for worthy causes, such as ovarian cancer research, but there is no compelling national defense reason for these items to be funded through this legislation. These earmarks include:

$115 million for Breast Cancer Research;

$80 million for Prostate Cancer Research;

$6 million for Integrated Translational Prostate Disease Research;

$34 million for the Hawaii Federal Health Care Network; and

$15 million for Ovarian Cancer Research.

Mr. President, as we are engaged fully in the global war on terror, it is imperative that we get the most of each and every defense dollar. The money that is being diverted to projects like the ones I have mentioned could instead be used for body armor or other critical needs to protect our troops and help win the war on terror. The earmarks I have mentioned are just a small sampling of the many, unrequested earmarks that fill the accompanying report. These earmarks are draining our precious resources and are not vital to our long term national security. I strongly encourage the Federal agencies affected to use their judgement to ensure they are not allocating resources to projects that are not legislatively mandated or authorized, but rather, are merely the wish lists of the committee.

Beyond the earmarks contained in the Senate report, this bill contains numerous authorizing provisions, some of which are outside of the scope of defense policy. Some of these provisions include:

Authorizing medical services at Army medical facilities located in Hawaii for civilian patients;

Authorizing the use of up to $50 million for operational ranges managed by the Air Force in Alaska; and

A provision that protects jobs in Hawaii and Alaska.

Mr. President, I have no doubt that some of these provisions may be important while others are questionable at best. What is important is that we follow the authorization process and restrain ourselves from using appropriations bills to authorize projects on this bill that have not been requested by the Department of Defense, nor approved by the authorizing committee.

I would also like to discuss the Buy America restrictions that cost the Department of Defense and the American taxpayers. Like in previous appropriations bills, this year's bill imposes a number of Buy America restrictions.

For example, the bill would prevent the purchase of ball bearings unless domestically produced. It requires that welded shipboard anchor and mooring chain be manufactured in the United States. Another section prohibits the Department of Defense from purchasing supercomputers from a foreign source.

I continue to be very concerned about the potential impact on readiness of our restrictive trade policies with our allies. From a philosophical point of view, I oppose these types of protectionist policies. I believe free trade is an important element in improving relations among all nations and essential to economic growth. From a practical standpoint, ''Buy America'' restrictions could seriously impair our ability to compete freely in international markets and also could result in the loss of existing business from long-standing trade partners.

Some legislative enactments over the past several years have had the effect of establishing a monopoly for a domestic supplier in certain product lines. This not only adds to the pressure for our allies to ''Buy European'' but it also raises the costs of procurement for DOD and cuts off access to potential state-of-the-art technologies. DOD should have the ability to make purchases from a second source in an allied country covered by a defense cooperation memorandum of understanding when only one domestic source exists. This would ensure both price and product competition.

Defense exports improve interoperability with friendly forces with which we are increasingly likely to operate in coalition warfare or peacekeeping missions. They increase our influence over recipient country actions, and in a worse case scenario, allow the U.S. to terminate support for equipment. Exports lower the unit costs of systems to the U.S. military. In recent years they have kept mature lines open while the U.S. has developed new systems that will go into production around the turn of the century. Finally, these exports provide the same economic benefits to the U.S. as all other exports—well paying jobs, improved balance of trade, and increased tax revenue. These are really issues of acquisition policy, not appropriations matters.

Mr. President, I would prefer not to criticize this legislation. It is very important to the ultimate success of our ongoing war on terror. Yet I believe it is important to point out to the American taxpayer where some of their money is going. And some of it is not going to projects that have anything to do with our defense.

Mr. FEINGOLD. Mr. President, as the Senate prepares to vote on the Department of Defense appropriations bill for fiscal year 2007, I want to thank all of our brave soldiers, sailors, airmen, and marines for their hard work in the ongoing fight against terrorism, in Iraq, in response to natural disasters here at home, and in the many other missions to which they have been assigned around the world. These dedicated men and women, along with their families, are making great sacrifices in service to our country. We owe a tremendous debt of gratitude to the members of the United States Armed Forces for their selfless service.

I am pleased that the Senate is about to pass the Defense Department appropriations bill. While I continue to have grave concerns about the misguided strategy this administration is pursuing in Iraq, the Senate bill includes funds for many important programs and priorities for our servicemen and women. In particular, the bill includes a well-deserved, although modest, 2.2 percent across-the-board pay raise for our military personnel. It also increases funding for vital equipment for those in uniform facing daily dangers in Iraq and Afghanistan. I am also pleased to support a number of good

provisions in this bill that seek to ensure that our troops have the equipment they need to perform their duties on the ground, including increased funding for body armor and personal protection equipment, as well as additional funding for up-armored humvees.

I am also pleased to support increased funds for the National Guard and Reserve, including an additional $340 million for force protection equipment. This bill includes critical funding that will help the National Guard repair its equipment and reinstate a superior readiness level so that it is capable of defending our country and responding to natural disasters within the continental United States.

While I strongly support increased funding for the National Guard, and for border security, I opposed Senator SESSIONS' amendment to appropriate nearly $2 billion to the Army National Guard solely to build hundreds of miles of fencing along the southern border. I did so because it is difficult to justify pouring massive Federal dollars into efforts that have not been shown to be effective. We must improve border security but we simply do not have the data to show that border fences are an effective deterrent to illegal immigration. For that reason, I opposed the authorization of this fencing when it was proposed as an amendment to S. 2611, the Comprehensive Immigration Reform Act of 2006, and I opposed appropriating the funds for it in this appropriations bill.

The better approach would be to first implement another provision of S. 2611 that directs the Attorney General, in cooperation with other executive branch officials, to conduct a study on this question. The study would analyze the construction of a system of physical barriers along the southern international land and maritime border, including the necessity, feasibility, and impact of such barriers on the surrounding area. It is estimated that construction costs for these border fences is more than $1 million per mile. And that doesn't include the cost of maintaining these structures. Furthermore, there are very serious concerns about the environmental impact this type of massive construction project would have. Before we commit to pouring precious Federal dollars into a massive fencing system, at the very least we should do a thorough analysis of the most effective and fiscally responsible means of securing our borders against illegal transit.

While I support much of the funding for intelligence activities contained in the bill, I am deeply concerned at the failure of this Congress to pass an intelligence authorization bill. Congressional oversight of intelligence has never been more important. Strengthening our Nation's intelligence capabilities after the attacks of September 11 requires the involvement of Congress, which is why the 9/11 Commission described strengthened oversight as one of its most important recommendations. The disastrous failures of intelligence related to Iraq, both by the intelligence community and by the administration, further highlight the importance of thorough congressional scrutiny. Recently revealed programs such as the NSA's illegal warrantless wiretapping and secret CIA detention facilities, are among the intelligence activities that the congressional intelligence committees must examine. Thirty years after the Senate Intelligence Committee was created in the aftermath of well-documented abuses, we need to ensure that Congress does not abdicate its important oversight responsibilities.

While I do support many of the provisions in this bill, I am deeply disappointed that the bill fails to put our Iraq policy on a better footing. My vote for this bill in no way signals support for that policy, which is hurting our national security. The war in Iraq is having a negative—and dramatic—effect on our military's capability and readiness levels. Because of the heavy usage of military equipment in Iraq, the Army National Guard's 34 brigades are not combat-ready, and it will be no easy task getting our physical capacity back up to full strength. The costs we are incurring in Iraq are devastating and they are not advancing our national interests particularly when they are undermining our military's capacity to defeat the terrorist networks that attacked us on 9/11. I will continue to call for the redeployment of our forces from Iraq so that our military remains strong and so that our country can refocus on fighting the terrorist networks that attacked us on 9/11.

Unfortunately this spending bill contains many unnecessary items. The administration continues to request large amounts for Iraq and Afghanistan through ''additional'' or ''emergency supplemental'' appropriations not subject to limits on total discretionary Federal spending and not subject to the full congressional authorization and appropriations review process. I continue to be deeply concerned about this administration's priorities and about the process by which we consider the Department of Defense authorization and appropriations bills, a concern I voice every year at this time. However, on balance, this legislation contains many good provisions for our men and women in uniform who serve our country selflessly around the world. That is why I support it.

Mr. SANTORUM. Mr. President, in the course of attending a funeral today, I missed two votes. On the Conrad amendment No. 4907, I ask that the record reflect that, had I been here, I would have voted ''aye.'' And on the motion to table the Menendez amendment No. 4909 I ask that the record reflect that I would have voted ''aye.''

Mr. President, I rise today to offer my support for Department of Defense funding for the National Drug Intelligence Center in Johnstown, PA.

The National Drug Intelligence Center, NDIC, established in 1993, is a component of the U.S. Department of Justice and a member of the intelligence community. The General Counterdrug Intelligence Plan, implemented in February 2000, designated NDIC as the Nation's principal center for strategic domestic counterdrug intelligence. NDIC's mission is to provide strategic drug-related intelligence and assistance to the drug control, public health, and national security authorities of the United States in order to reduce the adverse impact of drug trafficking, drug abuse, and related harms in this country.

Since September 11, 2001, we have become gravely aware of the importance of intelligence to all aspects of our national defense. This lesson is certainly applicable when assessing the resources generated by drug trafficking among terrorist groups and their sympathizers. I have been told that, since January 2005, NDIC has provided support to the Department of Treasury's Office of Terrorism and Financial Intelligence to produce the Nation's first National Money Laundering Threat Assessment. For this effort, NDIC received a letter of commendation from the Treasury Department for its ''extraordinary contribution'' to this effort. This is but one example of the fine work that is provided by those who serve this country at NDIC. The center is also actively contributing to the Department of Homeland Security's Office of Counter Narcotics Enforcement on an ongoing drug/terror nexus project. Further, NDIC personnel support the Drug Enforcement Administration's Special Operations Division which targets the convergence of terrorism and traditional drug trafficking networks. These contributions go along with the center's Document Exploitation Division which, I am told, is second to none in extracting useful information from lawfully-seized evidence.

NDIC is providing a valuable service to this country. It is the only agency with the independence to provide the National Drug Threat Assessment while still maintaining the versatility to assist in the ongoing operations and assessments conducted by the organizations that I have mentioned. The people of Johnstown who staff this facility are of the highest professional capabilities. It is important that we maintain these capabilities as we fight the war on Islamic fascism on many different fronts.

The House Defense appropriations bill provides $39 million for the center. I look forward to working with the chairman and ranking member to ensure that this funding is included in the final conference report with the House. I firmly believe that the National Drug Intelligence Center is an important instrument in providing for our Nation's security. I believe that the administration should include it in its budget in future fiscal years. I will be writing President Bush in the coming days to make this case. At a time

when the nexus between drug traffic and terrorist groups is becoming more acute, we need to make funding for our intelligence capabilities one of our highest priorities.

Mr. FRIST. Mr. President, the next vote will be on passage of the Defense appropriations bill. I congratulate the managers. It has been a job well done.

We are going to be on the port security bill tomorrow and on Monday. The managers are here, and they are ready to debate and take up amendments. We will not be voting tomorrow.

I remind my colleagues that we have scheduled an event on Monday at 6 o'clock to commemorate the fifth anniversary of the 9/11 attacks. We invite all Members to participate.

There will be no more votes tonight. We will not be voting tomorrow. We want to have all opening statements tonight and tomorrow on the port security bill.

We will have announcements tomorrow morning as to whether we will be voting on Monday. The Democratic leader and I will make that announcement.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read for the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and 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 Connecticut (Mr. LIEBERMAN) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—98

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

NOT VOTING—2

Chafee	Lieberman

The bill (H.R. 5631), as amended, was passed.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate insists on its amendments, requests a conference with the House, and the Chair appoints the following conferees: Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. BURNS, Mr. INOUYE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, and Ms. MIKULSKI.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. STEVENS. Mr. President, I take this opportunity to thank my staff for all their hard work on this bill, especially my clerk, Sid Ashworth. As always, she has done the work on this bill and a multitude of amendments, along with the staff. And Charlie Houy, on Senator INOUYE's staff, has given good advice and leadership.

I also thank my colleague and partner, Senator INOUYE. It is a nice birthday present to pass a bill of this size, I say to the Senator.

As I said, Charlie Houy, Betsy Schmid, Nicole Di Resta, and Kate Fitzpatrick for their support on this bill.

There is a large staff that works on this bill. We do not often name them all, but I will do it this time. This was a tough bill. I give credit to Kate Kaufer, Brian Wilson, Brian Potts, Alycia Farrell, Mark Haaland, Ellen Maldonado, Michael Pollock, Alison Garfield, Bridget Zarate, Jennifer Chartrand, and Janelle Treon. Miss Treon is not with us. She recently left the committee, but she was a vital partner in the creation of the bill. We wish her good luck in her new life in North Carolina. She can learn to dodge the hurricanes.

Thank you very much.

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

ORDER OF BUSINESS

Mr. FRIST. Mr. President, just for the purpose of our colleagues' schedules, we will not be voting Monday evening. Monday is September 11. As we said, there will be an event here at 6 o'clock, and I encourage all our colleagues to participate. But a number of our colleagues did ask whether we will be voting Monday evening, and we will not. So there will be no rollcall votes on Monday.

We are going to turn to the port security bill, a bill that has been the subject of a whole lot of work by a number of our colleagues by both sides of the aisle. We have three committees that have parts of jurisdiction here. It is a very important bill. As we work to secure this country and secure the safety of the American people, we absolutely must address the issue of port security. So I am very pleased we are bringing that bill to the floor. We will address it tonight and tomorrow and Monday, and hopefully we can finish it shortly thereafter. I talked to the Democratic leader, and the managers on both sides of the aisle will be working to gather the amendments. We will be discussing and talking about those at the appropriate time.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 432, H.R. 4954, the port security bill.

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

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.

AMENDMENT NO. 4919

(Purpose: To provide a complete substitute)

Mr. FRIST. Mr. President, I ask unanimous consent that the substitute amendment at the desk be considered and agreed to and further that it be considered as original text for the purpose of additional amendments and for debate only this evening.

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

The amendment (No. 4919) was agreed to.

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

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise to present the Port Security Improvement Act of 2006. This bill will help to close dangerous gaps in our ability to protect our shipping lanes and seaports from attack.

A number of our colleagues have worked very hard on this bill. This bill reflects not only bipartisan consultation and support but coordination among the Senate Homeland Security Committee, the Commerce Committee, and the Finance Committee. I thank our leader, Senator FRIST, for encouraging and facilitating those discussions.

I particularly wish to thank my colleague, Senator MURRAY, who joined me in sponsoring the GreenLane cargo security bill in November of 2005, which

has served as the basis for the legislation we debate tonight. Senator MURRAY has been steadfast in her commitment to enhancing port security. She has been working on it since the attacks on our country 5 years ago. She has been a terrific partner.

Senator STEVENS, Senator INOUYE, Senator GRASSLEY, Senator LIEBERMAN, Senator BAUCUS, Senator COLEMAN, and Senator ALLEN have also played critical roles on this important legislation. Their support and involvement have been invaluable in crafting a measure that I believe is going to make a real difference and that will improve our protection against terrorist threats without crippling the operations of our ports. This is very important. We need to strengthen security at our ports, but we need to do so in a way that does not cripple our system of trade, that does not place barriers in the way of moving legitimate goods.

This legislation will provide the structure and the resources needed to better protect the American people from attack through seaports that are both vulnerable points of entry and vital centers of economic activity.

Our legislation, our joint legislation, which is the product of so many weeks, months, and years of study and compromise, is a comprehensive approach that addresses all major aspects of maritime cargo security. It would require the Department of Homeland Security to develop a comprehensive strategic plan for all transportation modes by which cargo moves into, within, and out of American ports. It creates an Office of Cargo Security Policy to coordinate departmental activities and to be a central contact point for interagency, private sector, and international partners in cargo security. It requires the Department of Homeland Security to develop protocols for the resumption of trade at seaports after an incident. That is necessary to minimize economic losses. It authorizes risk-based grants, training, and exercises for port security. It improves and expands several security programs, such as the Container Security Initiative, known as CSI, and the Customs-Trade Partnership Against Terrorism, or C-TPAT, and establishes deadlines for DHS action on these programs. And it provides incentives for shippers and importers who meet the highest levels of cargo security standards.

Before commenting further on these provisions, let me offer a few facts that illustrate the importance of strengthening the security of our seaports.

America's 361 seaports are vital elements of our Nation's transportation network. Our seaports move more than 95 percent of overseas trade. In 2005 alone, U.S. ports logged 53,000 calls by foreign-flagged vessels, including 16,000 container ship calls that brought 11 million shipping containers to our shores.

The largest 22 ports, ranging from Los Angeles to Boston, handle 98 percent of the container traffic. Nearly half of all container ship calls are made in just three States—California, New York, and Virginia—but traffic arrives at many ports, from Maine to Hawaii, including a port in my State, Portland, the largest port by tonnage in new England. Coming from a State with three international cargo ports, I am keenly aware of the importance of seaports to our national economy and to the communities in which they are located.

In addition to our ports' economic significance, the link between maritime security and our national security is obvious and the vulnerabilities of our ports worrisome. Shipping containers are a special source of concern. When we look at shipping containers, we know, in most cases, they contain useful consumer goods. But shipping containers could also be used to convey a squad of terrorists or a dirty bomb. In some sense, containers could be the 21st century ''Trojan horse.''

The vulnerabilities of containers are evident when one considers a recent incident that occurred in Seattle. In May, several Chinese nationalists illegally smuggled themselves within a shipping container that made its way to Seattle. Now, they were discovered, fortunately, but think if that container had, instead of including illegal Chinese immigrants seeking a better way of life, included individuals, terrorists, who were dedicated to destroying our way of life.

The container has also been called ''the poor man's missile'' because a low-budget terrorist could ship one across the Atlantic or the Pacific to a U.S. port for just a few thousands dollars. And the contents of a container do not have to be as complex as a nuclear or chemical or biological weapon. As former Customs and Border Protection Commissioner Robert Bonner told the New York Times last year, a single container packed with readily available ammonium sulfate fertilizer and a detonation system could produce 10 times the blast that destroyed the Murrah Federal Building in Oklahoma City.

Whatever the type of weapon, an attack on an American port could cause great loss of life, damage our energy supplies and infrastructure, cripple retailers and manufacturers dependent on just-in-time inventory, prevent farmers from exporting their crops, and hamper our ability to move and supply American military forces.

Earlier this year, I visited the ports in L.A. and Long Beach and Seattle. At the invitation of Senator MURRAY, I examined the Seattle port. When one looks at the busy harbor in Seattle, one sees ferries bringing thousands of passengers—a large urban population—in sight of the port and two stadiums nearby. You realize immediately the depth and destruction that a ship carrying a container with a weapon of mass destruction could inflict at a single port.

Moreover, a successful port attack would likely trigger a security lockdown of all of our ports, just as the attacks 5 years ago grounded all commercial aircraft. So the economic damage would swiftly spread across the entire country. The Pacific Coast has already given us a glimpse of the economic damage that an attack on a port would cause. The west coast dock strike of 2002 was peaceful and anticipated, unlike any terror attack would be, but it cost an estimated $1 billion a day in economic losses for each of the 10 days it lasted.

Of course, a port could also be a conduit for an attack as well as being a target itself. A container with dangerous cargo could be loaded on a truck or a railcar or have its contents unpacked at a port and distributed to support an attack elsewhere—perhaps in the heartland of this country.

For these reasons, and many others, including the risks of container tampering or false documentation, the 9/11 Commission concluded that ''Opportunities to do harm are as great, or greater, in maritime and surface transportation'' as in commercial aviation.

Some actions have been taken to improve security at our seaports. The 9/11 terror attacks prompted some useful moves toward better security for vessel shipping lanes and the ports themselves. But, unfortunately, many of these initiatives have not proceeded under a comprehensive, strategic security plan. Some of them have lagged, and some of them have not been effectively implemented.

The Senate Homeland Security Committee has conducted five hearings on port security and the failures of DHS's cargo security programs. The first hearing we held back in March of 2003 when the committee heard testimony from several experts that cargo containers could well be the next target of terrorists. Three of these hearings have been conducted by the Permanent Subcommittee on Investigations, chaired by Senator COLEMAN, and I thank him and Senator LEVIN for their efforts in this area. Indeed, several provisions in our bill address concerns that were identified through that joint investigative work.

Mr. LOTT. Mr. President, will the distinguished Senator from Maine yield for just a brief comment or question or two?

Ms. COLLINS. I am happy to.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. LOTT. Mr. President, let me just take a moment to thank Senator COLLINS for her leadership and the work of her committee in this area. I say to the Senator, I have been listening to her remarks. I think it is very important we outline the risks that are involved here and the importance of our ports to the economy of America.

Like the Senator from Maine, I myself recently went around looking at large and small ports, from the gulf all the way to Seattle and Tacoma. I must

say, I was somewhat pleased with the amount of effort that has been put in place in those ports.

But it also dramatizes how much more we need to do. We do need the macro legislation to deal with this. One of the great concerns is, as the Senator outlined, what would happen if we did have an event in one of those West Coast ports? It would lock them all down. What would be the process to restart them? I am also very much impressed with the appearance of those ports and the volume of the training activities. It is a critical area.

While a lot of work has been done and money has gone to our ports, big and small, we need this legislation. There is a lot more to it than just the restart protocols. It hasn't been easy because we have three committees with interest and jurisdiction, including Commerce and Finance. The Senator worked with the leadership of our Commerce Committee and of the Finance Committee, and I thank the Senator for that.

I urge my colleagues in the Senate that we move expeditiously on this legislation and that we not play games with it in any way because this is serious business. I feel for the person who would oppose this kind of legislation, or delay it, if some incident occurs. We need to move on it. This is the time to do it. It has been a real yeoman's task to bring it to this point. I wanted to be on record early commending the Senator from Maine, and I hope I will have an opportunity to talk later about some of the substantive parts of this legislation, which is critical for our country. I thank the Senator for yielding.

Ms. COLLINS. Mr. President, I thank the junior Senator from Mississippi for his kind comments. He has been so helpful as a member of the Commerce Committee and the Finance Committee in helping us weave our way through a very difficult maze. Without his advice and support, I doubt that we would be here tonight. I express my personal appreciation to Senator LOTT for his guidance and his assistance and for keeping us all focused on the goal. We could never let turf battles or jurisdictional disputes block us from accomplishing such a needed and important task. He helped us keep our eye on the ball. I thank the Senator very much for his comments.

Mr. President, I was talking about the hearings we were having. Our most recent hearing was in April on the GreenLane Maritime Cargo Security Act, which I mentioned Senator MURRAY and I had introduced. We heard also from the House leaders on port security, including Representative DAN LUNGREN and Representative JANE HARMAN, as well as other experts on our Nation's ports. The following month, that bill was reported out of the Homeland Security Committee.

The Port Security Improvement Act will clarify the roles, responsibilities, and authorities of Government agencies at all levels and of private sector stakeholders. It will establish clear and measurable goals for better security of commercial operations from the point of origin to the destination. It will also establish mandatory baseline security standards and provide incentives for additional voluntary measures.

Perhaps most importantly, the Secretary of Homeland Security would be required to develop protocols for the resumption of trade in the wake of an attack. Five years after the 9/11 attacks, the Federal Government still has not established adequate protocols for resuming port operations and setting cargo release priorities after an attack. I will tell you, when I talk to port authority directors, every single one of them brings this up as a major issue. If we don't have a plan for restarting our ports and for releasing cargo, then our ports will be closed far longer than they would need to be and economic losses would multiply.

This legislation would also establish priorities for critical DHS programs necessary to improve maritime cargo security and would set clear timelines to ensure steady progress on their development and expansion. Let me give another example of where DHS has languished in some areas. They have made progress in others but languished in some.

For example, the Department has been working on a minimum standard for mechanical seals on containers for more than 2 years but has yet to issue it. Under our bill, the Department would have 6 months to establish minimum standards for securing containers in transit to the United States. All containers bound for U.S. ports of entry would have to meet those standards no later than 2 years after they are established.

The bill also provides guidance and deadlines for essential improvements in the Automated Targeting System, the Radiation Portal Monitor Program, the CSI and C-TPAT.

The Automated Targeting System, ATS, is a screening mechanism that the Federal Government uses to help it determine which of the 11 million containers entering this country should receive further scrutiny. The GAO has criticized ATS for utilizing inadequate information to accurately assess the risk of cargo, and our legislation will ensure that the DHS improves that program.

Another notable provision of the bill is the requirement that radiation scanning be applied to 100 percent of the containers entering the 22 largest U.S. ports by December 31, 2007. Now, the result of that is that 98 percent of all cargo containers coming into U.S. ports will be screened for radiation. That is in addition to the radiation scanning that is done at foreign ports through the CSI and the Megaports Programs.

The legislation also expands and enhances the C-TPAT program to ensue the security of cargo from point of origin to destination. It creates a GreenLane, a third tier of C-TPAT, offering additional benefits to participants that voluntarily meet the highest level of security standards. The cooperation of private industry is vital to securing supply chains, and C-TPAT is a necessary tool for securing their active cooperation in supply chain security efforts.

Another security measure that has languished for years is the vital Transportation Workers Identification Card, or the TWIC Program. Again, we would require DHS to publish a final rule on the implementation of this program by the end of this year.

Finally, this comprehensive legislation would authorize the competitive, risk-based Port Security Grants Program. It would have stable, consistent funding set at $400 million each year for the next 5 years. This is a significant commitment of resources, and it will allow our ports to plan and to undertake multiyear projects that require a sustained investment.

The Port Security Improvement Act of 2006 will help us construct an effective, layered, coordinated system that extends from the point of origin to the point of destination. It will cover the people, the vessels, the cargo, and the facilities involved in our maritime commerce. And it addresses a major vulnerability identified time and again by terrorism experts.

Mr. President, I do hope that we can proceed with all due haste to enact this important legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I rise to speak in support of the Port Security Improvement Act of 2006. It reflects a bipartisan compromise between the three committees that have jurisdiction over the security of our Nation's ports, international intermodal supply chain and the administration of the Department of Homeland Security.

This bill strikes the right balance between security and facilitating the trade that is so important to our economy.

Our national economy depends on port security, yet amazingly, the administration has not made it the priority that it needs to be. It has consistently submitted inadequate funding requests and has routinely missed critical security deadlines that were required by law. It was not until the Dubai Ports World controversy hit the front pages of local newspapers that many members of the Congress began to take port security seriously.

I hope that Members of this body will give this important piece of legislation the consideration it deserves. Lastly, we all know that you cannot have a successful security policy without adequate funding. Today is a good first step, but the administration and this Congress must take the next step after we pass this legislation and fund these initiatives as proposed here.

There are more than 360 ports in our Nation that serve as a gatekeeper for our Nation's trade and commerce, bringing into the country most of the merchandise and raw materials our businesses rely upon. If an incident forced the shutdown of ports across the Nation, the impact on our national economy would be devastating and have long-term consequences.

The Coast Guard, through the National Maritime Transportation Act, has taken important steps to create a plan to guarantee trade resumes quickly after an attack. However, more needs to be done to enhance the Coast Guard's plan and ensure effective implementation. Our economic health depends on it.

Given the role our ports play in the economy, we cannot underestimate the importance of ensuring that the containerized cargo that comes into our country is safe and that the ships entering our borders do not carry enemies of our Nation. Yet less than 6 percent of the cargo coming into this country is inspected, a level that is unacceptable if we are to take security seriously.

Making the current situation worse is the fact that current State inspection and radiation scanning technologies are woefully inadequate.

The measure before us today addresses the shortfalls of the past 5 years. First, it enhances the examination of cargo domestically and before it reaches our shores. Second, the bill improves interagency cooperation. Third, it improves the sharing of intelligence information with the creation of interagency port security command centers. Fourth, it provides an additional director within to improve communication and cooperation between the public and private sectors to quickly resume trade should an incident occur. And fifth, the bill offers assistance and technical training to our partners in the war on terror. These are all simple fixes but fixes that have significant consequence in our efforts to protect our ports.

As we consider this piece of legislation, we must not forget the security needs of our other transportation systems. Amendments will be offered to this bill that relate to securing other modes of transportation and it is my intent to support those amendments as well so that we have a comprehensive approach to securing our infrastructure.

I am hopeful that the Senate will pass this bill as soon as possible. Our approach has broad bipartisan support. The Senate Commerce, Science and Transportation Committee has focused on the issues of transportation security long before the events of September 11, 2001.

We have dedicated substantial time and resources to oversee and investigate the security and safety of our Nation's systems of transportation and this bill will mark the fourth landmark transportation security related bill that has been brought before the Senate. The time is right to pass these needed security improvements, and I am hopeful that we can make it happen.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, it has been 5 years since September 11, and our country is still dangerously vulnerable. We have huge loopholes at our ports and in our cargo container system, and none of us should sleep well at night until we close those security holes and protect our country.

That is why I am on the Senate floor once again pushing for us to pass the bipartisan GreenLane bill. I am excited that after working for a number of years, we are now on the verge of making our country more secure.

The full House of Representatives passed our bill. The Senate Homeland Security Committee passed our bill. We have worked with the Commerce and Finance Committees to address the issues in the bill they have raised. Now it is up to us, the full Senate, to finally pass this bill.

Today I wish to explain why our ports are so vulnerable, how an attack would affect our people and our economy, and finally, how this bill will make us more secure and keep trade flowing.

To understand why our ports are so vulnerable, one just has to look at something that happened in my home State of Washington 3 weeks ago.

On August 16, there was a big scare at the Port of Seattle. Two containers that originated in Pakistan were offloaded at terminal 18. They were targeted for inspection. They were first scanned by a gamma-imaging machine, which is essentially a giant x-ray machine for cargo containers. The initial images suggested what was supposed to be in the container was different than what that x-ray scan showed. Next, the port officials brought in two security dogs, and both dogs detected what they thought were explosives in that cargo container at terminal 18.

To understand why that is such a scary incident in Seattle, one just has to look at the Port of Seattle and what surrounds it.

This photograph shows the Port of Seattle. We can see the port very clearly in the foreground. That is Seattle in the background. My colleague, Senator COLLINS, was out there and remarked, tonight and while she was out there, about the incredible closeness to where our containers are brought into the Port of Seattle, to where our downtown area is, where there are two sports stadiums that can have thousands and thousands of people at one time sitting in them, and I–5 is over here. That is the main highway that goes through the State of Washington, right through downtown Seattle. As one can see, these cargo containers sitting on these docks are within feet and yards of mass people, infrastructure, our community, our railroads, our transportation system, sports stadiums, and where people live and work.

During the scare I just mentioned, officials had to close the terminal and establish a 500-yard safety zone surrounding the terminal, and they had to create a 300-yard safety zone around the entire Seattle waterfront. Fortunately, that day, after having the port closed down for some time, further testing showed that what was in that container was just a false alarm.

I wish to take a second to commend everyone on the ground for doing an excellent job of immediately responding to a possibly very dangerous incident.

Here is the problem: We did not know what was in that container. We did not know. It could have posed a problem, and it was sitting right on the dock, right within our sports stadiums, within all of downtown Seattle, within our transportation systems, and where people live and work.

That is why we are presenting this bill tonight. The main idea of this bill is to push our country's borders out, to do the screening and testing for these cargo containers overseas so that the container never gets close to our shores if we think it is dangerous. But today, too often we wait until that container is sitting on American soil, dangerously close to our cities, before we find out whether it could pose a danger.

Fortunately, that Seattle incident ended well, but that very same week, we got a very stark warning about how it could have ended differently.

In August around the same time, the RAND Center for Terrorism and Risk Management Policy issued a very troubling report that showed what could happen if there is a nuclear device in a cargo container.

The RAND Corporation looked at the following scenario: terrorists put a 10-kiloton nuclear bomb inside a cargo container and detonated it at the port of Long Beach, CA. The researchers chose that scenario because, as they put it, ''analysts consider it feasible, it is highly likely to have a catastrophic effect, and the target is both a key part of the U.S. economic structure and a critical global shipping center.''

Here is what they said would have happened: Up to 60,000 people would be killed instantly from the blast or from radiation poisoning; 150,000 people would be injured by radiation exposure; up to 6 million people would flee Los Angeles; 2 to 3 million people would need to be relocated because their land would be contaminated by radiation. And finally, the economic loss simply would be about $1 trillion. That is 10 times worse than September 11. Those costs would include medical care, insurance claims, workers' compensation, evacuation, construction. Imagine that—the economic damage would be 10 times worse than what happened on September 11.

How many more reports such as that is it going to take? How many port evacuations and scares is it going to take before we get serious about port

security? Time is not on our side. Each year, 6 million cargo containers enter our U.S. seaports, and that number is expected to quadruple in the next 20 years. These cargo containers carry the building blocks of our economy, but without adequate security, they can also provide an opportunity for terrorists to deliver a deadly one-two punch to our country. The first punch would create untold number of American casualties. The second punch would bring our economy to a halt. Today we are not doing enough to keep America safe.

Standing in this Chamber, it can feel as if the dangers at our ports are a distant concern, but given that our ports are connected to our Nation's transportation system and are close to our major population centers, the threat is never far away.

I want to share a very disturbing photo that shows us what a terrorist attack could look like. On March 21, a container ship called the Hyundai Fortune was traveling off the coast of Yemen when an explosion occurred in the rear of the ship. This is a photo of what happened. This is a container ship close to Yemen with an explosion at the rear of the ship. Remember the picture I just showed of the port of Seattle and where we are and imagine this happening in the Port of Seattle.

What happened when this ship exploded was that 90 containers were blown off the side of this ship and it created a debris field 5 miles long. Thankfully, amazingly, there were no fatalities and the crew was rescued.

This incident, by the way, did not appear to be terrorist related, but it gives us an idea of what it would look like if a terrorist incident occurred on a container ship in one of our seaports.

I want my colleagues to imagine the same burning ship sitting just a few feet off our shores in New York Harbor or Puget Sound, off the coast of Los Angeles or Charleston, Miami, Portland, Hampton Roads, the Delaware Bay, or the Gulf of Mexico. Now imagine we are not dealing with just a conventional explosion; we are dealing with a dirty bomb. I want to walk through what would happen next.

Of course, there would be the immediate horrible loss of life. Many of our ports, as I said, are located near major cities. If this were a chemical weapon exploding in Seattle, the chemical plume could contaminate the rail system, Interstate 5, SeaTac Airport, not to mention, as I showed my colleagues, the downtown business and residential areas. At the port, there would immediately be tremendous confusion. People would try to contain the fire, but it is unclear today who would be in charge. Then when word spread and chaos ensued, panic would set in and there would be chaos as our first responders tried to react and people who lived nearby would try to flee.

Next, what would happen is our Government would shut down every single port in America to make sure there were no other bombs on any other containers in any other city. That shutdown would be the equivalent of driving our economy into a brick wall and, in fact, it could spark a global recession. Day by day, we would feel the painful economic impact of the attack. American factories in the middle of our country would not be able to get the supplies they need. They would have to shut their doors and lay off workers. Stores around our country would not be able to get the products they need to put on their shelves. Prices would spike, demand would outweigh supply, and consumers would not be able to afford the simple items they rely on every single day.

In 2002, we saw what the closure of just a few ports on the west coast could do. It cost our economy $1 billion a day. Imagine if we shut down all of our ports. One study, in fact, concluded that if U.S. ports were shut down for just 9 days, it would cost our economy $58 billion.

The RAND report I mentioned earlier found the economic damage could easily top more than $1 trillion. Of course, we would soon realize we have no plan for resuming trade after an attack. We have no plan today for how we would resume trade, no protocol for what would be searched. We wouldn't know what would be allowed in or even who was in charge, and there would be a mass scramble to create a new system in a crisis atmosphere. Eventually, we would begin the slow process of manually inspecting all the cargo waiting to enter the United States. One report found it could take as long as 4 months to get all the cargo inspected and moving again.

Finally, we would have to set up a new regime for port security. You can bet that any kind of rushed plan we put together in this kind of scenario would not balance strong security with efficient trade.

This is a realistic portrayal of events that could happen tomorrow. Five years after September 11, we have not closed a major loophole that threatens our lives and our economy. Time is not on our side. We have to act, and we need to act now.

I approach this as someone who really understands the importance of both improving our security and maintaining the flow of commerce. My home State of Washington is the most trade-dependent State in the entire country. We know what is at stake if there is an incident at one of our ports. That is why I wrote and funded Operation Safe Commerce to help us find where we are vulnerable and to evaluate the best security practices. It is why I worked hard to boost funding for the Coast Guard, and I fought to keep the Port Security Grant Program from being eliminated year after year.

Right after September 11, 5 years ago, I started talking with security and trade experts to find out what we needed to be doing to both improve security and keep our commerce going. Last year, I sought out Senator COLLINS as a partner in this effort. I approached Senator COLLINS because I knew she cared about this issue. I knew she had done a lot of work on it already, and I knew she was someone who could get things done. Since that day, she and I have worked hand in hand to develop this bill and to move it forward.

The reason we worked so hard on this bill is because we know how vulnerable we are. Terrorists have a lot of opportunities to introduce deadly cargo into a container. It can be tampered with at any time from when it leaves a foreign factory overseas to when it arrives at a consolidation warehouse and moves to a foreign port. It could even be tampered with while it is en route to the United States. There are several dangers. I outlined what would happen if terrorists exploded a container, but they could just as easily use cargo containers to transport weapons or personnel into the United States to launch an attack anywhere on American soil. In fact, in April, 22 Chinese stowaways were found at the Port of Seattle. They reached the United States inside a cargo container. In that case, they were stowaways, but they could easily have been terrorists sneaking into this country.

The programs we have in place today are totally inadequate. Last year, thanks to the insistence of Senator COLLINS and Senator COLEMAN, the Government Accountability Office found its C–TPAT was not even checking to see if companies were doing what they promised they would in their security plans. Even when U.S. Customs inspectors do find something suspicious today at a foreign port, they can't force a container to be inspected. So we have a clear and deadly threat, and we know that current programs are inadequate. So what are we going to do about it? We could manually inspect every container coming into our ports, but that would cripple our economy.

The real challenge we face is how to make our trade more secure without slowing it to a crawl. That is why the Homeland Security, Commerce, and Finance Committees, through the leadership of Senators COLLINS and LIEBERMAN, Senators STEVENS and INOUYE, and Senators GRASSLEY and BAUCUS and I, have worked with stakeholders and experts to strike the right balance. The result is the bill that we are now considering. It provides a comprehensive blueprint for how we improve security while keeping our trade efficient. At its heart, this challenge is about keeping the good things about trade—speed and efficiency—without being vulnerable to the bad things about trade, which is the potential for terrorists to use our engines of commerce.

The GreenLane bill does five things. First of all, it creates tough new standards for all cargo. Today, we don't have any standards for cargo security.

Second, it creates a GreenLane option which provides for an even higher level of security. Companies have the

option to follow the higher standards of the GreenLane. Their cargo will be tracked and monitored from the moment it leaves the factory floor overseas until it reaches the United States. We will know everywhere their cargo has been. We will know every person who has touched it, and we will know whether it has been tampered with. The GreenLane pushes our borders out by conducting inspections overseas before cargo is even loaded into a ship bound for the United States, and we will provide incentives for the companies that use this highest standard of GreenLane.

Third, our bill sets up a plan to resume trade quickly and safely, to minimize the impact of a terrorist attack on our economy.

Fourth, our bill will secure our ports here at home by authorizing and funding port security grants. This funding will help our ports and port operators to develop and implement security plans. They could use this funding to strengthen their perimeter security, which would help prevent a number of security lapses that were highlighted in a recent Seattle Times article in which a reporter was able to enter a port and walk around the containers without anybody stopping him.

Finally, our bill will hold DHS accountable for improving cargo security. DHS is long overdue in establishing cargo security standards and transportation worker credentials. We need to hold DHS accountable, and our bill provides the infrastructure to ensure accountability and coordination.

Let me take a few minutes to share a few ways that our bill does make America safer. First of all, we close the loopholes that leave us vulnerable today. Senator COLLINS and I have studied the 9/11 Commission Report and the various GAO reports and we worked very hard to put their recommendations into this bill. The 9/11 Commission examined what went wrong 5 years ago and how we can prevent another terrorist attack. We listened to the 9/11 Commission and we worked very hard to incorporate their recommendations and to close the loopholes that the Commission identified. The 9/11 Commission said we needed a layered security system. Our bill adopts that layered approach.

Here is what we envision as the Secretary of Homeland Security implements this bill. Each step in the GreenLane system will have multiple and redundant security layers. Cargo would be monitored and secured starting at a foreign factory overseas. In addition, containers will be sealed with high-tech container security devices, such as e-seals, to protect against their being tampered with or compromised. Then, before that container is ever loaded onto a ship, its manifest is reviewed and the container is inspected for radiation, seal tampering, and x-rayed. Finally, the cargo will be secured with access controls, ensuring anyone with access to GreenLane cargo has undergone a background check and possesses verifiable identification. Those multiple layers provide the type of layered security that the 9/11 Commission called for.

Now, the 9/11 Commission also said we have to centralize authority and responsibility so that there is finally someone accountable in our Government. Our bill does that. It centralizes authority by establishing the Office of Cargo Security Policy within the Department of Homeland Security to coordinate Federal cargo security programs and to advance security research and development.

The 9/11 Commission also said we need to do a better job sharing information throughout our Government. Our bill promotes coordination by establishing regional interagency operational centers to enhance cooperation between our Federal agencies. So our bill is responsive to the problems and the loopholes that the 9/11 Commission identified.

Our bill gives us new tools so we can approach cargo security in new ways. It gives U.S. officials in foreign ports the authority to inspect suspicious containers before they are loaded for departure into the United States. Our bill makes the haystack of containers smaller. It allows the Government to focus on suspicious cargo that enters our ports, and it ensures that we are inspecting and stopping cargo that poses a threat. And it cuts down on the smuggling of weapons, people, drugs, and other illegal cargo.

This bill will also protect America's economy in the event of a terror attack, and that is because it provides a secure, organized way to quickly resume cargo operations after any emergency shutdown because any shutdown of our ports has the potential to cost the U.S. economy billions of dollars a day. Our bill would minimize the economic impact of a terrorist attack.

So I am very proud of this bill, and I thank all of our partners and all of our supporters. I especially thank Senator COLLINS for her tremendous leadership and work on this very complex issue, and I commend her for the job she has done. I thank Senator COLEMAN for his work as chairman of the Permanent Subcommittee on Investigations. I thank Senator LIEBERMAN and all of our cosponsors, and I thank the Commerce and Finance Committees, especially Senator STEVENS and Senator INOUYE, Senator GRASSLEY and Senator BAUCUS.

We have also seen tremendous progress on the House side with the Safe Port Act, and I want to thank Representatives DAN LUNDGREN and JANE HARMAN for their leadership. Finally, I especially tonight thank the numerous Federal, State and local officials and all of the industry representatives for their tremendous assistance in helping us craft this legislation. They truly are at the front lines of securing our Nation's ports, and I have been very proud to work with all of them and to get to know them and see their dedication and commitment to making our country more secure.

Today, we have a choice in how we deal with the cargo security challenges that face us, but if we wait for a disaster, our choices are going to be pretty stark. So I think we have to make the changes now, on our terms, before there is a deadly incident. Let's protect America before an image like this appears on our television screens. Let's not wait until a terrorist incident strikes again to protect our people and to protect our economy.

Earlier this year, the American people woke up, and they spoke out when they heard that a foreign government-owned company could be running our ports. That sparked a very critical debate. Now we need to set up a security regime that will actually make us safer. Until we do so, none of us should sleep well at night. A terrible image like this of a burning container ship with a dirty bomb in one of America's harbors could be on our TV screens tomorrow. So this Congress needs to act today. We only have a few days to get this right, and I hope that all of our colleagues will work with all of us to move this bill quickly and expeditiously and pass a GreenLane bill before it is too late.

Mr. President, I yield the floor.

Ms. COLLINS. Mr. President, I again thank the Senator for her excellent statement, for her leadership, and for getting us to where we are today. It has been a long journey, but with her leadership we were able to craft this bill, work out the many compromises, and come to the floor. I hope we can do this bill relatively quickly. It has been the subject of an awful lot of discussion and review, and it would be terrific if we can show the American people that we can act in a bipartisan way on an issue that really matters to their security.

It is appropriate that the Presiding Officer tonight is the Senator from Virginia, Senator ALLEN. I know that port security has been a major priority of his. Earlier in my statement, I mentioned that California, New York, and Virginia are the three States that receive the greatest number of containers, although actually I would think that Washington State has to be in there, too, given the size of Seattle and Tacoma's ports as well. So I know they should be in there as well. But Virginia is a major player in port security, and I want to commend the Senator from Virginia for his leadership on this issue. I know that this has been of great concern to him. He has talked to me as this bill has been making its way through the process, and I publicly thank him for caring about this issue and making it a priority as well.

Mr. President, I am not aware of further Members who are seeking to speak on my side, and I see no indication of further Members on the other side. I am going to, very briefly, put in a quorum call so that we can check, but

I believe we are very close to concluding our business for tonight.

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 the order for the quorum call be rescinded.

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

MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

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

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

The assistant legislative clerk proceeded to call the roll.

HONORING OUR ARMED FORCES

ARMY FIRST SERGEANT AARON JAGGER

Ms. STABENOW. Mr. President, I rise today to pay tribute to the men and women in uniform serving the United States around the world, and observe a somber milestone in Michigan's contribution to Operation Iraqi Freedom.

In August, the 100th member of the U.S. Armed Forces from Michigan made the ultimate sacrifice while serving in Iraq. U.S. Army 1SG Aaron Jagger of Hillsdale died when a roadside bomb detonated near his vehicle in Ramadi, Iraq. Sergeant Jagger was serving his second tour in Iraq. I offer my heartfelt condolences to Sergeant Jagger's family.

As of the first week of September, 104 members of the U.S. Armed forces with ties to Michigan have lost their lives while serving in Iraq. I will ask that a list of their names be printed in the RECORD at the end of my statement.

No words can express our country's gratitude for the dedicated service and ultimate sacrifice of Sergeant Jagger or the other Americans who have lost their lives. I am also thankful for the sacrifice all the men and women in the U.S. military have made for their country while serving in Iraq. They are selfless patriots that give their time and too often their lives to preserve the freedoms we hold so dear.

I know that condolences offered to these brave families and words spoken on the floor of the Senate cannot possibly make up for their loss. But it is important that they know we remember them and that our prayers and thoughts are with those that have lost loved ones, and those that still have family and friends serving in harm's way.

I will remain committed to honoring their memory and ensuring that their families and their comrades who return from battle receive the support and respect they deserve.

Mr. President, I ask unanimous consent that the list to which I referred be printed in the RECORD.

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

Major Kevin Nave, Union Lake; Private Brandon Sloan, Fraser; Sergeant Todd Robbins, Pentwater; Sergeant Michael Pedersen, Flint; Private First Class Juan Garza, Jr., Temperance; Private First Class Jason Meyer, Howell; Staff Sergeant Scott Sather, Clio; Specialist Richard Goward, Midland; Sergeant Sean Reynolds, East Lansing; Master Sergeant William Payne, Otsego; Staff Sergeant Brett Petriken, Flint; Specialist Corey Hubbell, Holly; Captain Paul Cassidy, Laingsburg; Sergeant Trevor Blumberg, Canton; Specialist Donald Wheeler, Concord; Specialist Artimus Brassfield, Flint; Staff Sergeant Paul Johnson, Calumet; Staff Sergeant Mark Vasquez, Port Huron; Staff Sergeant Paul Neff, II, West Branch; Private First Class Damian Bushart, Waterford.

Private First Class Jason Wright, Luzerne; Staff Sergeant Thomas Christensen, Atlantic Mine; Staff Sergeant Stephen Hattamer, Gwinn; Private First Class Holly J. McGeogh, Taylor; Specialist Richard Trevithick, Gaines; Sergeant First Class Bradley Fox, Adrian; Private First Class Richard Rosas, St. Louis; Sergeant Aaron Elandt, Lowell; Sergeant David Hartman, Fairgrove; Specialist Craig Frank, Lincoln Park; Private First Class Nicholas Blodgett, Wyoming; Specialist Dana Wilson, Hudsonville; Specialist Donald McCune, Ypsilanti; Staff Sergeant Donald Davis, Saginaw; Sergeant Carl Thomas, Inkster; Private First Class Mark Barbret, Shelby Twp.; Specialist Don Clary, Flint; Private First Class Dennis Miller, Jr., La Salle; Lance Corporal Justin Reppuhn, Hemlock; Lance Corporal Justin Ellsworth, Mt. Pleasant.

Lance Corporal Michael Hanks, Gregory; Corporal Gentian Marku, Sterling Heights; Corporal In Kim, Warren; Staff Sergeant Jason Lehto, Warren; Lance Corporal Allan Klein, Clinton Township; Lieutenant Commander Edward Jack, Detroit; First Lieutenant Adam Malson, Rochester Hills; Captain Sean Grimes, Southfield; Staff Sergeant Ricky Kieffer, Ovid; Corporal Michael Lindemuth, Pellston; Specialist Randy Stevens, Swartz Creek; Captain Stephen Frank, Farmington Hills; Captain Ralph Harting, III, West Bloomfield; Sergeant Brad Wentz, Gladwin; Specialist Joshua Brazee, Sand Creek; Sergeant Charles Drier, Unionville; Specialist Eric Burri, Wyoming; Corporal Andrew Kilpela, Fowlerville; Specialist Adrian Butler, Detroit; Specialist Brian Derks, White Cloud.

Staff Sergeant Brian Morris, Centreville; Major Gregory Fester, Ada; Captain Lowell Miller, II, Flint; Sergeant First Class Casey Howe, Kimball; Corporal Nicholas Cherava, Ontonagon; Private First Class Nicholas Greer, Monroe; Staff Sergeant Vincent Summers, Bangor; Staff Sergeant Lewis Gentry, Detroit; Sergeant First Class Michael Hodshire, North Adams; Major Gerald Bloomfield, II, Ypsilanti; Specialist Timothy Brown, Cedar Springs; First Lieutenant Justin Smith, Lansing; Master Sergeant Anthony Yost, Millington; Private First Class John Dearing, Hazel Park; Lance Corporal Craig Watson, Union City; Lance Corporal David Huhn, Portland; Sergeant Spencer Akers, Traverse City; Specialist Anthony Cardinal, Muskegon; Specialist Dane Carver, Freeport; Lance Corporal Jason Little, Climax; Specialist Walter Howard, II, Rochester; Corporal Ross Smith, Wyoming.

Sergeant Curtis Howard, II, Ann Arbor; Private First Class Allan Morr, Byron; Sergeant Joshua Youmans, Flushing; Private Joshua Powers, Kentwood; Corporal Nyle Yates, III, Eagle; Specialist Andrew Waits, Waterford; Sergeant First Class Richard Herrema, Hudsonville; Sergeant Matthew Webber, Stanwood; Corporal Alexander Kolasa, White Lake Twp; Corporal Brock Bucklin, Caledonia; Lance Corporal Brandon Webb, Swartz Creek; Staff Sergeant Raymond Plouhar, Lake Orion; Specialist Joseph Micks, Rapid River; Sergeant Duane Dreasky, Novi; Sergeant Al'Kaila Floyd, Grand Rapids; Staff Sergeant Michael Dickinson, II, Battle Creek; Specialist Dennis Smason, Jr., Hesperia; First Sergeant Aaron Jagger, Hillsdale; Sergeant Gabriel DeRoo, Paw Paw; Chief Petty Officer Paul J. Darga, Alpena; Staff Sergeant Eugene Alex, Bay City; Sergeant Ralph Porras, Merrill.

FAMILY HUMANITARIAN RELIEF

Mr. BROWNBACK. Mr. President, next week marks the fifth anniversary of the attacks of September 11. On this solemn occasion, we reflect upon the lives of those who were lost and the families they left behind. Images of the planes hitting the two massive towers filled with innocent Americans are emblazoned in our minds and stir our conscience. Heroic tales of firefighters, police officers and first responders falling in the line of duty evoke deep pangs of sadness yet fill our hearts with great pride for our country.

It is important that during this time we remember the families of these victims of terror. They have suffered greatly, and we continue to mourn for their loved ones and honor their memories. But there are some families whose grief is also mixed with fear. The victims for whom they grieve were immigrants working in the World Trade Center, and the families that are left behind face potential deportation. Thus, in addition to the already incalculable loss inflicted upon them by the terrorists, these relatives face yet another hardship.

It is in the context of this situation that I wish to recognize the work of Debra Brown Steinberg. For the past 5 years, Ms. Steinberg has tirelessly sought to undo this injustice and allow these relatives to grieve alongside the thousands of other victims' families without fear of arrest and removal. Ms. Steinberg has dedicated her time—pro bono—to this cause and has been recognized time and again for her efforts.

My colleagues and I introduced legislation, known as the September 11 Family Humanitarian Relief and Patriotism Act, which would provide the necessary relief for these families. Now that a year has passed since the bill's introduction, and as we approach the fifth anniversary of 9/11, it is time to bring closure for the sake of the families and for the sake of honoring the memories of those killed.

Our tradition teaches us to have compassion for the widow, the orphan,

and the stranger among us. Debra Steinberg's action on behalf of the immigrant victims' families exemplifies such compassion. We have much to learn from her on this day, and I am proud to honor her achievements.

COWBOY ARTILLERY

Mr. THOMAS. Mr. President, I rise today to express our Nation's deepest thanks and gratitude to the men of the 300th Armored Field Artillery Battalion, Wyoming Army National Guard. On Friday, September 9, 2006, the 300th AFA Battalion will gather for a reunion 56 years after the Battle at Soyang during the Korean war.

In 1951, the members of the battalion put down their plowshares and picked up their rifles and arrived in Korea to push back three corps of the Chinese People's Volunteers that launched a major offensive against the 2d Infantry Division, to which the 300th was attached. In his memoir, a Wyoming National Guardsman, William W. Day IV, described his early days in combat:

> The guns are hot and ammo can't be uncrated fast enough. The motor pool is using every truck to haul ammo. The cooks, clerks and everyone available are preparing ammo while the gun crews stay at their posts and continue to pour a withering fire on the enemy.

The 300th provided devastating artillery fire support that pounded enemy positions for 7 days inflicting thousands of enemy casualties. During the morning of May 18, 1951, the battalion was given the mission of destroying an enemy roadblock allowing retreating U.N. forces to fall back to more secure positions. The heroic and determined stand of the 2d Division and its attached units allowed the Eighth Army to regroup and outflank the enemy.

Among many others, the battalion has been awarded the Presidential Unit Citation for its valiant efforts in the struggle for the freedom we all enjoy. Today, the Wyoming Army National Guard carries on the courageous traditions of the Cowboy Artillery.

Mr. President, the 300th AFA Battalion epitomized the ethos of the Citizen Soldier. It is because of folks like the members of the 300th that we continue to live safe and free. America's men and women who answer the call of service and wear our Nation's uniform deserve respect and recognition for the enormous burden that they are willingly bare. They put everything on the line every day, and as a result, our Nation remains free and strong.

ADDITIONAL STATEMENTS

COMMENDING HAWAII'S WORLD CHAMPIONS

• Mr. AKAKA. Mr. President, I wish to congratulate the Hilo All-Stars, the 2006 Cal Ripken Baseball World Champions. This is the second consecutive year that a team from Hawaii captured the 12-and-under title. Last year, a Honolulu squad defeated Mexico, by a score of 1 to nothing, to win the championship game.

On Sunday, August 20, Hilo won the Ripken World Series in Aberdeen, MD against international champions Mexico, by the score of 5 to 2. Ridge Hoopii-Haslam hit a two-run homer, and Kawika Pruett added a two-run single to rally Hilo against Mexico's powerful pitching staff that allowed only three runs in the tournament. Mexico threatened in the third inning, but Kean Wong came in to pitch out of a bases loaded jam, holding Mexico to just one run.

The Hilo All-Star team members are Anson Arruda, Ridge Hoopii-Haslam, Dean Hosaka, Jordan Jinbo, Chayce Kaaua, Kian Kurokawa, Rylan Malakaua, Ekolu Martins, Cody Ray Okabayashi, Kawika Pruett, Kean Wong, and Kiani Wong. Kaha Wong manages the All-Stars and Wardell ''Baba'' Lancaster and Jason Jinbo are team coaches.

I am proud of Hilo's impressive wins and the humility and sportsmanship they displayed as they won with aloha. Hilo represented the State of Hawaii and the United States very well. Many family members and friends made sacrifices to support the team. I applaud these efforts and wish all the players and their families the best in future endeavors.

I look forward to hearing more about the success of our players as they continue to pursue their education and baseball ambitions in the future, and I extend the same congratulations and best wishes to all players and coaches who participated in this year's Cal Ripken Baseball World Series.•

TRIBUTE TO EAGLE-PICHER TECHNOLOGIES

• Mr. BOND. Mr. President, it is with great pleasure that I rise to celebrate Eagle-Picher Technologies, LLC, on the company's ''One Billionth Hour'' in space as represented by the superior batteries the firm designs and builds and that power U.S. satellites.

Recognizing the need for custom designed and built batteries, the technologies division at Eagle-Picher works on a variety of batteries for aerospace and military use, which the company calls special use batteries. The company's technology division, based in Joplin, MO., continues a tradition that stretches back to the 1960s when Eagle-Picher provided power systems for the first United States satellites and the manned Mercury program.

Today, EaglePicher nickel-hydrogen cells are powering spacecraft orbiting Earth and beyond. I commend Eagle Picher, its leadership and its dedicated employees in Missouri on their commitment to maintaining the highest standards while breaking new ground for power systems and advanced electrical power system applications. I am pleased to join with the Joplin community and the State of Missouri in congratulating the company and wishing the firm's valued employees with continued growth and success.•

COMMENDING KAUAI'S FILIPINO CENTENNIAL AWARDEES

• Mr. AKAKA. Mr. President, it is with great pleasure that I extend my warmest aloha and congratulations to the individuals being recognized and honored by the Kauai Filipino Centennial Celebration Committee as Kauai Filipino Centennial Awardees in commemoration of the 100th anniversary of the arrival of the first migrant workers from the Philippines to Hawaii. I was pleased that the Senate last year accepted by unanimous consent my resolution, S. Res. 333, recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of the Filipino-American community to our country over the last century—including members of the Kauai community.

It is an honor earned and richly deserved and a privilege for me to share in the spirit of this very personal and historical celebration with family and many friends in recognizing commitment and service to the Filipino community. This prestigious award tells of the important place these men and women hold in our community. It recognizes their extraordinary contributions and service to Hawaii. These individuals include leaders in all walks of life: journalists, educators, artists and entertainers, athletes, doctors, attorneys, clergy, public servants, and businessmen.

The honorees are: Leonora Albayalde, Jose Alvarez, Connie Aquino, Rosalina Arzadon, Greg Bakiano, Elena Barbasa, Guadalupe L. Bulatao, Jose E. Bulatao, Jose E. Bulatao, Jr., Juanito Buza, Hilda Cannon, Clemente Ceballos, Marie Ceballos, Les Ceballos, Catalino C. Cortezan, Josefina A. Cortezan, Consuelo O. Cuaresma, Consuelo Dela Cruz, Gerald Dela Cruz, Dr. Arnulfo Dias, Emil Diaz, Steven M. Domingo, Josephine C. Duvauchelle, Marcelino Francisco, R. Barbara Bulatao Franklin, Vil Galiza, Eugene Jiminez, Martha Sialana Kruse, Esperanza Labez, Ricardo Laabez, Inocencio Lapenia, Alfredo Lardizabal, Ben Largusa, Alfredo Laureta, Jesus ''Gene'' Layosa, Rhoda Libre, Domingo Los Banos, Jr., Eduardo Malapit, Vicky Masuoka, George Menor, Mable Jean Odo, Emilio ''Spud'' Olivas, Paul Parongao, Dr. Ramon Dela Pena, Cesar Portugal, Rick Rasay, Sister Florence Remata, Dr. William Renti-Cruz, Robert Riola, Frances Sagadraca, Eddie Sarita, Rudy Sina, Catalino Suero, Jimmy Tejada, Amadeo Timbol, Dr. Mariano Torres, Liza Trinidad, Maria B. Valenciano, Placido Valenciano, Randal Valenciano, Adelino Valentin, Floro

Villabrille, Alfredo Villanueva, Millie Wellington, and Rodney Yadao.

These individuals stand out among their peers having truly made a positive difference. I extend my congratulations and best wishes to our honorees and their families.

TRIBUTE TO SAN BERNARDINO VALLEY COLLEGE

• Mrs. BOXER. Mr. President, I rise today to recognize San Bernardino Valley College. This academic year, the campus celebrates its 80th anniversary.

San Bernardino Valley College was founded in 1926, when 140 students met at San Bernardino or Colton High Schools for classes. Later that year, construction began in the city of San Bernardino on a campus that would come to educate 700,000 students and play a central role in the growth of Inland southern California.

San Bernardino Valley College has educated generations of the region's future leaders and workforce. Over the years, San Bernardino Valley College has anticipated and planned for the changes that took place in California and our Nation. During World War II, the campus played an instrumental role in assisting with the war effort. In the years following the war, a number of celebrities visited the campus, and in 1947 the campus hosted the Bob Hope show that featured Desi Arnaz, his orchestra, and others. In 1950, the campus played a central role in the race for U.S. Senate, hosting senatorial candidates Richard Nixon and Helen Gahagan Douglas.

San Bernardino Valley College also has worked to meet the ever-changing needs of a diverse population. The civil rights era brought forth increased cultural awareness, and the campus responded by hosting diversity programs. Today the campus has an enrollment of over 12,000 students, three quarters of which are non-White students. The campus is recognized as a Hispanic Serving Institution by the Hispanic Association of Colleges and Universities, HACU, and continues to receive title V funding for its pursuit of ethnic diversity.

In the past 80 years, technology has also impacted education. Faculty and staff have worked to help San Bernardino Valley College grow and adapt to this ever-growing need. College classes and degree programs are now offered not only on campus but at alternative community sites and on television and the Internet. The campus has also responded to today's need for quality science education and important student services.

San Bernardino Valley College has produced influential leaders in California and abroad, with prestigious alumni emerging each year. Dr. Charles Young attended Valley College before and after serving in the Korean war and went on to become the youngest chancellor of a University of California campus at age 36, taking charge of UCLA from 1968 until 1997, completing the longest tenure of any University of California chancellor. Judith Valles, former mayor of the city of San Bernardino, attended Valley College and served as both faculty and staff on campus. Graduating in 1966, Dr. Yolanda Moses went on to serve as the president of the City College of New York and was named the 74th president of the American Anthropological Association. And graduating as a business administration major in 1959, Jack Brown went on to become the president and CEO of Stater Bros. Markets, one of the Nation's largest supermarket chains.

Today San Bernardino Valley College can look back on a proud history of growth and change in the San Bernardino Valley and California. I applaud the service and dedication of the faculty, staff, and students of San Bernardino Valley College as they celebrate 80 years of improving lives and education to the people of the Inland Empire and southern California.

IN MEMORIAM: MARY BOURDETTE

• Mrs. CLINTON. Mr. President, on Tuesday, September 5, our Nation lost a great American and our Nation's children lost a great friend and advocate in Mary Bourdette.

Mary Bourdette was a woman who dedicated her working life to improving the lives of children and families. As a public interest advocate and public servant, she played critical roles in the enactment of the Act for Better Child Care, the Family and Medical Leave Act, the Adoption and Safe Families Act, the expansions of the earned-income tax credit, and the child care and development block grant. She worked to improve the Head Start Program by increasing funds dedicated to strengthening its quality and maintaining its comprehensive approach to helping our poorest children and families. Most recently, I had the pleasure of partnering with Mary in her capacity as director of government relations for Parents Action for Children to highlight the dangers to children of exposure to violent and explicit video games.

Those of us fortunate enough to have worked closely with Mary Bourdette and to have enjoyed her friendship will dearly miss her keen understanding of policy, her gentle manner and humor. Mary seemed to wake up every day believing that it held an opportunity to make the world better for children.

For her passion, commitment, and service, our country owes Mary Bourdette a great debt of gratitude. We have lost a caring, creative, and effective ally in our work to protect children and empower their families.

ROLLA NOLTING McCLANAHAN

• Mr. DEWINE. Mr. President, today I pay tribute to a wonderful Ohioan who has recently been ill. Rolla Nolting McClanahan never asked for anything special, but she deserves to be recognized today for the years she has spent generously serving others. Throughout her life, Rolla has been a productive, giving member of her community who quietly contributed a great deal both to her hometown of Cincinnati, and to her home county, Hamilton County. Rolla is the kind of American who makes up the backbone of our country.

Rolla is the beloved wife of Donald E. McClanahan, mother of Michele L. McClanahan, and sister of John A. Nolting.

As a student, Rolla was very bright. She graduated with honors from both Withrow High School and the University of Cincinnati, where she was active in Mortar Board, Delta Delta Delta, the Cincinnatus Society, and the Union Committee.

After graduation, Rolla became involved in her community as a member of Kindervelt, a volunteer organization that serves as the largest auxiliary of Cincinnati Children's Hospital Medical Center. She was also Chairman of the Board of Directors of Deaconesses of the Mt. Washington Presbyterian Church and Chairman of the Board of Directors of Tri Deltas House Board Corporation.

Since 1973, Rolla has been a Salvation Army volunteer for the Salvation Army Federation of Women's Auxiliaries, where she served in several official positions, including President of the Board and President of the Toy Shop Auxiliary. In 1987, she was a featured speaker at the Salvation Army's National Advisory Organization Conference in Dallas. In May of 1993, she was presented with the William Booth Award, bestowed by the Salvation Army for commitment and dedication.

Mr. President, Rolla Nolting McClanahan is a wonderful person who has spent a great deal of her life working to improve the lives of those less fortunate. Today, I want to thank Rolla for her selflessness and commitment to others, and wish her well.•

TRIBUTE TO JOHN PARRY

• Mr. LUGAR. Mr. President, today I congratulate my friend John Parry on his retirement after 16 years as director of athletics at Butler University.

Since joining Butler in 1990, John has overseen a remarkable period of growth and success, adding three varsity athletic teams and winning the Horizon League James J. McCafferty Trophy for all-sports excellence for the first time and on five subsequent occasions. During this time, Butler also witnessed extraordinary success in the classroom, leading the Horizon League in the number of student-athletes named to the academic honor roll 9 out of the last 10 years. In 2003 he was recognized as National Association of Collegiate Directors of Athletics I-AA/I-AAA Athletic Director of the Year for the Central Region.

John's leadership has extended beyond Butler University. He is a past

president of the Pioneer Football League and past chair of the NCAA Division I Men's Lacrosse Committee. Especially important in the Indianapolis community, he served as a cochairman of the Local Organizing Committee for the 1997, 2000, and 2006 NCAA Men's Final Four and the 2005 NCAA Women's Final Four.

Personally, I have enjoyed working closely with John each year as Butler hosts the annual Dick Lugar Run and Walk. John's enthusiasm has ensured the success of this special tradition as so many from all over central Indiana come together to enjoy a day of competition and fitness.

I appreciate this opportunity to congratulate John, and I look forward to many more opportunities to work closely with him as he pursues new challenges and adventures.

ANGELS OF ADOPTION

• Mr. ROCKEFELLER. Mr. President, later this month, the Congressional Coalition on Adoption will host a gala to honor individuals from across the country that have contributed greatly to programs that strive to keep our most vulnerable children safe and healthy in permanent homes.

I am proud to be a member of the Congressional Coalition and this event marks a true celebration for individuals we call Angels of Adoption. The Angel of Adoption awards recognize individuals who are dedicated to the welfare of children. It should be noted that our ''Angels'' often forgo lucrative positions in law firms and other private sector work because of their commitment to provide legal protection for thousands of children.

This year I am delighted to honor Mary Ellen Griffith as our West Virginia Angel of Adoption. Mary Ellen Griffith is the founder and past director of ChildLaw Services in Princeton, WV. Ms. Griffith has earnestly provided policy and legal advocacy for West Virginia children during her tenure as a legal service lawyer. Her direct representation of children has been complimented by faculty appointments to university programs where she has lectured on topics such as family law, guardianship, and custody issues. She certainly is well prepared for her recent appointment as a family law judge. Her work on the bench will offer the court the high level knowledge, experience and sensitivity required to safeguard the well-being of children.

I am well aware that the essential efforts of the courts can go unrecognized. But I maintain a very high regard for the courts because they regularly play a vital role in adoption and child protection. That is why I introduced the We Care Kids Act with Senator Mike DeWine of Ohio last year, and was proud when it was incorporated into the law earlier this year. This act now gives our local courts the necessary resources and training through Federal grants issued by the Department of Health and Human Services.

Dedicated judges like Mary Ellen Griffith will play a pivotal role in prompting adoptions and working to ensure that our most vulnerable children are safe, healthy and have a permanent home.•

MAYOR BOB O'CONNOR

• Mr. SANTORUM. Mr. President, today in sadness I acknowledge the passing of a fine man, a great Pennsylvanian, a life-long Pittsburgher, Robert E. O'Connor, Jr, mayor of Pittsburgh.

Bob O'Connor loved Pittsburgh. He was born in Pittsburgh, graduated from the city's Taylor Allderdice High School in 1962, and lived, with his wife Judy, in Squirrel Hill for 41 years. Like so many Pittsburgh sons, Bob began his working life in the steel mills, where he worked for 5 years before moving on, entering the family restaurant business. After 29 years in the private sector, Bob decided to enter the public square, and was elected to Pittsburgh's City Council in 1991.

In a testament to both his effectiveness as a city legislator and the professional manner in which he always conducted himself, Bob became City Council President 7 years after he first joined the Council. For 5 years, he served Pittsburgh as its highest ranking legislative official, resigning only when Pennsylvania Governor Ed Rendell tapped Bob to serve, as the face of his administration in the southwestern Pennsylvania. Two years later, in November of 2005, Bob was elected the 58th mayor of Pittsburgh.

There was much he sought to do as mayor, much he had planned for our proud city. Tragically, he never got the chance. Merely 7 months after he took office, Bob O'Connor was diagnosed with brain cancer. He immediately began to undergo aggressive treatment, working to get healthy enough to return to serving his city. Sadly, his illness progressed, and on September 1, Mayor O'Connor passed away.

Today, September 7, Mayor Bob O'Connor was laid to rest in Pittsburgh, the city he served for 15 years, the city he loved his whole life. I joined his family, his friends, and many others at his funeral service, paying our last respects to a man taken from us far too soon.

Robert E. O'Connor, Jr., survived by his wife, Judy, and three children, will be sorely missed. May God bless the entire O'Connor family during this difficult time.•

CONSTITUTION WEEK

• Mr. VITTER. Mr. President, today I wish to acknowledge the Fort Miro Chapter of the Daughters of the American Revolution in Monroe, LA. Beginning September 17 and ending September 23, this great organization will observe its annual Constitution Week. Today, I'd like to spend a few moments highlighting the importance of their efforts.

The Daughters of the American Revolution petitioned Congress in 1955 to set aside a week to celebrate the Constitution. Thanks to their petition, Congress through a joint resolution on August 2, 1956, requested that the president declare September 17 to 23 as Constitution Week.

This week sets out to emphasize citizens' responsibilities for protecting and defending the Constitution, inform people that the Constitution is the basis for America's great heritage, and encourage the study of the historical events surrounding its framing in September 1787.

This year on September 17 at 3:00 pm, this long-time chapter of the Daughters of the American Revolution will participate in ''Bells Across America'' to commemorate the signing of the Constitution and to recognize all citizens of the United States of America.

I applaud the Daughters of the American Revolution for their continued dedication to celebrating the importance of the Constitution through education and activism. Moreover, I commend the Fort Miro Chapter of the Daughters of the American Revolution in Monroe, LA, for doing this fine work on behalf of the State of Louisiana.•

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

At 1:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3534. An act to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2491. An act to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes.

H.R. 2808. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

The message further announced that pursuant to 20 U.S.C. 2103(b), and the

order of the House of December 18, 2005, the Speaker on August 15, 2006, appointed the following individual from private life to the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House of Representatives for a term of 6 years: Mr. C. Kurt Dewhurst of Michigan.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2491. An act to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes; to the Committee on Environment and Public Works.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

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

S. 3874. 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.

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

S. 3876. A bill entitled the National Security Surveillance Act.

S. 3877. A bill entitled the ''Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006''.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8095. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation addressing abatement of criminal convictions; to the Committee on the Judiciary.

EC–8096. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Visas: Documentation of Nonimmigrants under the Immigration and Nationality Act, as Amended'' (22 CFR Part 41) received on September 5, 2006; to the Committee on the Judiciary.

EC–8097. A communication from the General Counsel, National Tropical Botanical Garden, transmitting, pursuant to law, a copy of the audit report for the Garden for the period from January 1, 2005 through December 31, 2005; to the Committee on the Judiciary.

EC–8098. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Controlled Substances and List I Chemical Registration and Reregistration Application Fees'' (RIN1117–AA96) received on September 5, 2006; to the Committee on the Judiciary.

EC–8099. A communication from the Administrator, General Services Administration, transmitting, a report relative to prospectuses that support the Administration's fiscal year 2007 Capital Investment and Leasing Program; to the Committee on Homeland Security and Governmental Affairs.

EC–8100. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the advantages and disadvantages of employing intermittent escalators in the United States; to the Committee on Homeland Security and Governmental Affairs.

EC–8101. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 2nd Quarter of Fiscal Year 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–8102. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's Annual Performance Plan for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–8103. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 1st Quarter of Fiscal Year 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–8104. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Standards of Ethical Conduct for Employees of the Executive Branch; Amendments to Clarify the Coverages of Detailees to an Agency Under the Intergovernmental Personnel Act'' (RIN3209–AA04) received on August 24, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8105. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Absence and Leave'' (RIN3206–AK61) received on August 24, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8106. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–473, ''Targeted Historic Preservation Assistance Amendment Act of 2006'' received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8107. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–474, ''Emerging Technology Opportunity Development Task Force Act of 2006'' received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8108. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–476, ''Fiscal Year 2007 Budget Support Act of 2006'' received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8109. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–475, ''Technical Amendments Act of 2006'' received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8110. A communication from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Import Restrictions on Byzantine Ecclesiastical and Ritual Ethnological Material for Cyprus'' (RIN1505–AB72) received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8111. A communication from the Secretary, Postal Rate Commission, transmitting, pursuant to law, the report of a nomination to fill the vacant position of Commissioner; to the Committee on Homeland Security and Governmental Affairs.

EC–8112. A communication from the Director, Office of the General Counsel, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''OPM Employee Responsibilities and Conduct'' (RIN3206–AJ74) received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8113. A communication from the Director, Office of the General Counsel, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Personnel Management in Agencies—Employee Surveys'' (RIN3206–AK77) received on September 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8114. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Belgium; to the Committee on Foreign Relations.

EC–8115. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Norway and Spain; to the Committee on Foreign Relations.

EC–8116. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to human trafficking in post-conflict and humanitarian emergencies; to the Committee on Foreign Relations.

EC–8117. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extent and disposition of United States contributions to international organizations; to the Committee on Foreign Relations.

EC–8118. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the President's determination with regard to a prohibition on military assistance; to the Committee on Foreign Relations.

EC–8119. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to requirements and benchmarks designed to reduce fraud, misuse, and abuse of government purchase cards; to the Committee on Foreign Relations.

EC–8120. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of major defense equipment sold commercially under contract in the amount of $14,000,000 or more to Saudi Arabia; to the Committee on Foreign Relations.

EC–8121. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, proposed legislation to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol distinctive emblem; to the Committee on Foreign Relations.

EC–8122. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Deputy Administrator, received on September 5, 2006; to the Committee on Foreign Relations.

EC–8123. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the quarterly report of obligations and outlays for fiscal years 2004, 2005, and 2006 funds under the President's Emergency Plan for AIDS Relief through December 31, 2005; to the Committee on Foreign Relations.

EC–8124. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to international agreements other than treaties by the United States; to the Committee on Foreign Relations.

EC–8125. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report containing descriptions of all programs or projects of the International Atomic Energy Agency in certain countries; to the Committee on Foreign Relations.

EC–8126. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, reports relative to matters relating to post-liberation Iraq; to the Committee on Foreign Relations.

EC–8127. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Eucalyptus Oil; Exemption from the Requirement of a Tolerance'' (FRL No. 8089–7) received on September 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8128. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Epoxiconazole; Pesticide Tolerance'' (FRL No. 8080–9) received on September 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8129. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bifenazate; Pesticide Tolerance'' (FRL No. 8090–1) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8130. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ethofumesate; Pesticide Tolerance'' (FRL No. 8086–2) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8131. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''S-metolachlor; Pesticide Tolerance'' (FRL No. 8090–2) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8132. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Benthiavalicarb-Isopropyl; Pesticide Tolerance'' (FRL No. 8084–6) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8133. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Paraquat Dichloride'' (FRL No. 8089–3) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8134. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propoxycarbazone; Pesticide Tolerance'' (FRL No. 8091–4) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8135. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Kresoxim-methyl; Pesticide Tolerance'' (FRL No. 8088–1) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8136. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenpyroximate; Pesticide Tolerance'' (FRL No. 8087–6) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8137. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Phosphorous Acid; Exemption from the Requirement of a Tolerance'' (FRL No. 8084–3) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8138. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Quinoxyfen; Pesticide Tolerance'' (FRL No. 8088–8) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8139. A communication from the Secretary of Agriculture, transmitting, the report of draft legislation to improve the Food Stamp Program by amending the Food Stamp Act of 1977 and the Social Security Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8140. A communication from the Secretary of Agriculture, transmitting, the report of draft legislation to amend the Child Nutrition Act of 1966; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8141. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''State Administrative Expense Funds'' (RIN0584-AD53) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8142. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Tomatoes from Certain Central American Countries'' (Docket No. APHIS-2006-0009) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8143. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''User Fees for Agricultural Quarantine and Inspection Services'' (Docket No. 04-042-2) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8144. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Untreated Oranges, Tangerines, and Grapefruit from Mexico Transiting the United States to Foreign Countries'' (Docket No. 00-086-2) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8145. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Interstate Movement of Garbage from Hawaii; Municipal Solid Waste'' (Docket No. 05-002-4) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8146. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Agricultural Inspection and AQI User Fees Along the U.S./Canada Border'' (Docket No. APHIS-2006-0096) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8147. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cooperative Marketing Associations'' (RIN0560-AH42) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8148. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Blueberry Promotion, Research, and Information Order; Amendment No. 2 to Change the Name of the U.S.A. Cultivated Blueberry Council and Increase Membership'' (Docket No. FV-03-701-FR) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8149. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Apricots Grown in Designated Counties in Washington; Temporary Relaxation of the Minimum Grade Requirement'' (Docket No. FV06-922-2 IFR) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8150. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Beef Promotion and Research Program: Amend the Order to Reduce Assessment Levels for Imported Beef and Beef Products'' (Docket No. LS-01-06 FR) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8151. A communication from the Administrator, Cotton Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''User Fees for 2006 Crop Cotton Classification Services to Growers'' ((RIN0581-AC58)(Docket No. CN-06-001)) received on September 5, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

H.R. 866. A bill to make technical corrections to the United States Code.

H.R. 1442. A bill to complete the codification of title 46, United States Code, ''Shipping'', as positive law.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LUGAR for the Committee on Foreign Relations.

*Ronald A. Tschetter, of Minnesota, to be Director of the Peace Corps.

*John C. Rood, of Arizona, to be an Assistant Secretary of State (International Security and Non-Proliferation).

*Richard E. Hoagland, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

Nominee: Richard Eugene Hoagland.

Post: Ambassador to Armenia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses, N/A.

4. Parents: Robert Hoagland, deceased; Thelma Hoagland, none.

5. Grandparents: Earl Hoagland, deceased; Nellie Hoagland, deceased. Charles Van Scoik, deceased; Faustina Van Scoik, deceased.

6. Brothers and spouses: Donald Hoagland, none; Helen Hoagland, none. David Hoagland, none; Kathy Hoagland, none. Daniel Hoagland, none; Karen Hoagland, none.

Sisters and spouses: Deborah Hoagland, none.

*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.

Nominee: Cesar B. Cabrera

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, $2,000, 11/5/03, Bush-Cheney '04 Inc.; $4,200, 9/2/05, Friends of George Allen; $1,000, 11/09/03, Pete's PAC; $2,000, 10/20/04, Martinez for Senate; $1,000, 9/10/04, Fortuño 2004, Inc.; $2,000, 9/15/04, Dan Burton for Congress; $250, 10/2/02, Weldon Victory Committee; $500, 9/18/02, Dan Burton for Congress; $1,500, 5/6/03, Dan Burton for Congress; $500, 4/29/02, Weldon Victory Committee; $250, 10/18/02, Weldon Victory Committee; $25,000, 9/9/04, RNC Presidential Trust; $15,000, 10/29/03, RNC Presidential Trust.

2. Spouse. $2,000, 11/5/03, Bush-Cheney '04 Inc.; $4,200, 9/2/05, Friends of George Allen; $2,000, 10/20/04, Martinez for Senate; $1,000, 9/10/04, Fortuño 2004, Inc.; 1,000, 10/11/02, Talent for U.S. Senate; $1,000, 10/11/02, Chamblis for U.S. Senate; $1,000, 10/11/02, Forrester for U.S. Senate; $1,500, 5/6/03, Dan Burton for Congress.

3. Children and spouses: Cristina Cabrera, $2,000, 12/5/03, Bush-Cheney '04 Inc.; $2,000, 3/7/04, Roberto Pratts for Congress. Jose L. Benitez, $2,000, 12/5/03, Bush-Cheney '04 Inc.; $2,000, 3/7/04, Roberto Pratts for Congress; $1,000, 12/2005, Bob Menendez for Congress.

4. Parents: Benito Cabrera, deceased; Teresa Morales, $2,000, 2/9/04, Bush-Cheney '04 Inc.; $1,000, 9/20/05, Friends of George Allen.

5. Grandparents: Jullio Cabrera, deceased; Gregoria Morales, deceased. Tomas Morales, deceased; Eufemia Morales, deceased.

6. Brothers and spouses: Leonardo Cabrera, none; Joan Gamble, none. Jorge Luis Cabrera: $2,000, 12/11/03, Bush-Cheney '04 Inc.; Mildred Camacho: none.

7. Sisters and spouses: none.

*Donald C. Johnson, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

Nominee: Donald Crandall Johnson.

Post: Equatorial Guinea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contribtutions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Nelda Sabillon Johnson, none.

3. Children and spouses: Robert E. Johnson, none; Stephen C. Johnson, none; Melodie Johnson, none.

4. Parents: Edson Johnson, Jr., $5, CY2005 Democratic Party, Senator Clinton; Sidney L Johnson, none.

5. Grandparents: Edson Johnson, deceased, none; Ethel Johnson, deceased, none; Hovey Crandall, deceased, none; Opal Brandt, deceased, none.

6. Brothers and Spouses: a. Robert C. Johnson, deceased, none. b. Thomas C. Johnson, none; Rosalinda Johnson, none. c. James C. Johnson, none; Julie Johnson, none. d. David C. Johnson, none; Bonfilia Johnson, none. e. Paul C. Johnson, none; Angie Johnson, none.

7. Sisters and Spouses: Melinda B. Johnson, none; A.H. Najmi, none.

*Cindy Lou Courville, of Virginia, to be Representative of the United States of America to the African Union, with the rank of Ambassador Extraordinary and Plenipotentiary.

Nominee: Cindy L. Courville.

Post: Ambassador to the African Union.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, not applicable.

3. Children and spouses: not applicable.

4. Parents: Earnest and Mar Courville, deceased.

5. Grandparents: Albert and Albertine Guidry, deceased; Sostain and Alice Courville, deceased.

6. Brothers and spouses: Earnest Ronald Courville/spouse, deceased.

7. Sisters and spouses: Mary Ann Norwood/Edward Norwood, none.

*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.

Nominee: Mary Martin Ourisman.

Post: Ambassador to Barbados.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

(My husband and I have reviewed our personal records, and I have reviewed the records available through the FEC website regarding our contributions, and it is my belief that the list below is complete for federal contributions for the years 2002 through 2006.)

1. Self: 2006—$25,000, 1/11/2006, Republican National Committee.

2005—None.

2004—$25,000, 3/30/2004, Republican National Committee; $2,000, 10/20/2004, Bush-Cheney '04 Compliance Committee Inc.; $1,000, 8/16/2004, Fed Political Action Committee (aka Fed Pac); (It appears that the contributions individually listed below were distributed as part of a contribution to a joint fundraiser: $25,000, 9/22/2004, 2004 Joint Candidate Committee II; $25,000, 9/22/2004, 2004 Joint State Victory Committee); $575, 11/2/2004, Jon Porter for Congress; $4,017, 9/22/2004, Republican Party of Florida; $595, 10/6/2004, Maine Republican Party; $575, 10/22/2004, Louie Gohmert for Congress Committee; $575, 11/1/2004, Jim Gerlach for Congress Committee; $595, 10/6/2004, New Hampshire Republican State Committee; $575, 11/22/2004, Larry Diedrich for Congress; $575, 10/15/2004, Michael Fitzpatrick for Congress; $575, 9/22/2004, Kris Kobach for Congress; $1,487, 10/4/2004, Republican Party of Wisconsin; $817, 10/4/2004, Washington State Republican Party; $1,916, 11/1/2004, Thomas Coburn for Senate Committee; $1,916, 11/1/2004, Thomas Coburn for Senate Committee; $575, 10/15/2004, Jeff Fortenberry for Congress; $745, 10/7/2004, Nevada Republican State Central Committee; $3,125, 9/30/2004, Republican Federal Committee of Pennsylvania; $1,916, 10/31/2004, John Thune for U.S. Senate; $1,916, 9/22/2004, David Vitter for U.S. Senate; $575, 11/2/2004, Arlene Wohlgemuth for Congress; $1,638, 10/1/2004, Missouri Republican State Committee—Federal; $1,042, 10/5/2004, Oregon Republican Party; $575, 9/22/2004, Friends of Dave Reichert; $4,017, 9/22/2004, Republican Party of Florida; $575, 10/18/2004, Geoff Davis for Congress; $2,530, 10/4/2004, Michigan Republican Party; $575, 10/20/2004, Gregory Walcher for Congress; $575, 10/29/2004, Nancy Naples for Congress; $1,916, 11/2/2004, George Nethercutt for Senate; $575, 9/22/2004, Wilbert Tauzin for Congress; $575, 9/22/2004, Charles Boustany Jr MD for Congress Inc; $2,975, 10/4/2004, Ohio Republican Party; State Central & Exec. Comm.; $745, 10/4/2004, WV Republican State Exec Committee; $893, 10/4/2004, Arkansas Leadership Committee 2004 FCRC; $575, 9/22/2004, John Swallow for Congress

Inc.; $1,265, 10/1/2004, Republican Party of Minnesota; $575, 10/29/2004, Roy Ashburn for Congress Committee; $575, 9/22/2004, LA 07 Congressional Victory Comm. (Charles Boustany); $575, 9/22/2004, Rick Renzi for Congress; $575, 9/22/2004, LA 03 Congressional Victory Comm. (Wilbert Tauzin).

2003—$1,000, 5/5/2003, Friends of Mark Foley.

2002—None.

2. Spouse: Mandell J. Ourisman, 2006—$25,000, 1/11/2006, Republican National Committee.

2005—$1,000, 5/12/2005, Friends of George Allen; $2,100, 10/24/2005, Friends of Roy Blunt; $1,000, 8/24/2005, Friends of George Allen.

2004—$2,000, 5/12/2004, John Thune for U.S. Senate; $25,000, 2/26/2004, National Republican Senatorial Committee; $2,000, 10/20/2004, Bush-Cheney '04 Compliance Committee Inc.; $7,500, 9/22/2004, Republican National Committee; $30,000,[1] 9/22/2004, 2004 Joint Candidate Committee II; $800, 11/22/2004, Larry Diedrich for Congress; $800, 11/1/2004, Jim Gerlach for Congress Committee; $800, 10/22/2004, Louie Gohmert for Congress Committee; $800, 10/15/2004, Michael Fitzpatrick for Congress; $800, 11/2/2004, Jon Porter for Congress; $2,000, 11/1/2004, Thomas Coburn for Senate Committee; $800, 10/15/2004, Jeff Fortenberry for Congress; $800, 9/22/2004, Kris Kobach for Congress; $800, 9/22/2004, Friends of Dave Reichert; $2,000, 9/22/2004, David Vitter for U.S. Senate; $800, 9/22/2004, Gregory Walcher for Congress; $800, 11/2/2004 , Arlene Wohlgemuth for Congress; $800, 10/18/2004, Geoff Davis for Congress; $800, 9/22/2004, Charles Boustany Jr., MD for Congress Inc.; $800, 9/22/2004, Wilbert Tauzin for Congress; $800, 9/22/2004, John Swallow for Congress Inc.; $800, 10/29/2004, Roy Ashburn Congress Committee; $800, 9/22/2004, LA 07 Congressional Victory Comm. (Charles Boustany); $800, 9/22/2004, Rick Renzi for Congress; $800, 9/22/2004, LA 03 Congressional Victory Comm. (Wilbert Tauzin).

2003—$25,000, 4/16/2003, Republican National Committee.

2002—$25,000, 7/25/2002, RNC Republican National State Elections Committee; $1,000, 10/14/2002, Elizabeth Dole Committee Inc.; $10,000, 5/20/2002, National Republican Senatorial Committee; $200, 10/7/2002, Connie Morella for Congress Committee; $500, 3/4/2002, Larry Pressler for Congress.

3. Children and spouses: Colbert Martin Johnson, none; Jennifer Schull Johnson, none.

4. Parents: My parents, Aleen and Herbert Martin, are deceased.

5. Grandparents: All four of my grandparents, John William Martin, Frances Ann (Basden) Martin, Ernest Lynwood Hardin, and Mary (Bell) Hardin are deceased.

6. Brothers and spouses: My brother, John H. Martin, is deceased.

7. Sisters and spouses: Judith Aleen Bowden, none; Edward Jay Bowden, none.

By Mr. SPECTER for the Committee on the Judiciary.

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.

*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 duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. TALENT:

S. 3862. A bill to amend the Animal Health Protection Act to prohibit the Secretary of Agriculture from implementing or carrying out a National Animal Identification System or similar requirement, to prohibit the use of Federal funds to carry out such a requirement, and to require the Secretary to protect information obtained as part of any voluntary animal identification system; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Ms. STABENOW, and Mr. OBAMA):

S. 3863. A bill to amend part A of title IV of the Social Security Act to require a State to promote economic and financial education under the Temporary Assistance for Needy Families (TANF) Program and to allow economic and financial education to count as work activity under that program; to the Committee on Finance.

By Mr. MARTINEZ (for himself and Mr. CORNYN):

S. 3864. A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to improve supplemental educational services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 3865. A bill to provide incentive for employers to hire service-connected disabled veterans and to improve adjustment assistance and job-training transition for injured and disabled veterans, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Ms. STABENOW, Mr. SARBANES, and Mr. BAUCUS):

S. 3866. A bill to establish a grant program to enhance the economic and financial literacy of midlife and older Americans so as to enhance their retirement security and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND (for himself and Mr. TALENT):

S. 3867. A bill to designate the Federal courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the "Rush H. Limbaugh, Sr., Federal Courthouse"; to the Committee on Environment and Public Works.

By Mr. INHOFE:

S. 3868. A bill to amend the Clean Air Act to encourage the most polluted areas in the United States to attain clean air standards; to the Committee on Environment and Public Works.

By Mrs. CLINTON:

S. 3869. A bill to improve the quality of, and access to, supplemental educational services in effort to increase student achievement; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK:

S. 3870. A bill to hold the current regime in Iran accountable for its human rights record and to support a transition to democracy in Iran; to the Committee on Foreign Relations.

By Mr. THUNE (for himself and Mr. JEFFORDS):

S. 3871. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mrs. CLINTON, Mr. HARKIN, Mr. MENENDEZ, Mr. REED, Mr. DURBIN, Mr. KENNEDY, and Mr. LEAHY):

S. 3872. A bill to prohibit cigarette manufacturers from making claims regarding tar or nicotine yield levels of cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 3873. A bill to protect private property rights; read the first time.

By Mr. DEWINE:

S. 3874. 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; read the first time.

By Mr. REID (for himself and Mr. DURBIN):

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

By Mr. SPECTER:

S. 3876. A bill entitled the National Security Surveillance Act; read the first time.

By Mrs. FEINSTEIN:

S. 3877. A bill entitled the "Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006"; read the first time.

By Mr. ALLEN (for himself and Mr. MENENDEZ):

S. 3878. A bill to provide compensation for United States citizens taken hostage by terrorists or State sponsors of terrorism; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BIDEN (for himself, Mr. DEWINE, Mr. LUGAR, Mr. KERRY, Mrs. CLINTON, Ms. CANTWELL, Mr. DODD, Mr. NELSON of Florida, Mr. LEVIN, Mr. FEINGOLD, Mr. DURBIN, Mrs. BOXER, Mr. VOINOVICH, Mr. SPECTER, Mr. CHAFEE, Mr. SUNUNU, Mr. MCCAIN, Mr. BROWNBACK, Mr. COLEMAN, Mr. LIEBERMAN, Mr. SALAZAR, Mr. SCHUMER, Mr. LEAHY, Mrs. MURRAY, Mr. INOUYE, Mr. HAGEL, Mr. FRIST, and Mr. SMITH):

S. Res. 559. A resolution calling on the President to take immediate steps to help stop the violence in Darfur; to the Committee on Foreign Relations.

By Mr. COLEMAN (for himself, Mr. ALLEN, Mr. BAYH, Mr. BROWNBACK, Mr. CARPER, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HATCH, Mr. ISAKSON, Mr. JOHNSON, Mr. KERRY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. REED, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. TALENT, and Mr. VOINOVICH):

S. Res. 560. A resolution supporting efforts to increase childhood cancer awareness, treatment, and research; considered and agreed to.

By Mr. REID (for himself, Mrs. LINCOLN, Mr. FRIST, Mr. BURNS, Mr. BYRD, Mr. SALAZAR, Mr. SCHUMER, Mrs. CLINTON, Mr. PRYOR, Mr. BAUCUS, Mr. LIEBERMAN, Mrs. BOXER, Mr. BINGAMAN, Mr. DORGAN, Mr. NELSON of Florida, Mr. DAYTON, and Mr. DURBIN):

S. Res. 561. A resolution designating the month of September 2006, as ''Rural America Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1062

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1062, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 1537

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1537, a bill to amend title 38, United States Code, to provide for the establishment of Parkinson's Disease Research Education and Clinical Centers in the Veterans Health Administration of the Department of Veterans Affairs and Multiple Sclerosis Centers of Excellence.

S. 1840

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1840, a bill to amend section 340B of the Public Health Service Act to increase the affordability of inpatient drugs for Medicaid and safety net hospitals.

S. 1948

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. NELSON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2590

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

At the request of Mr. COBURN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Idaho (Mr. CRAIG) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2590, supra.

S. 2599

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. ROBERTS) 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. 2642

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2642, a bill to amend the Commodity Exchange Act to add a provision relating to reporting and recordkeeping for positions involving energy commodities.

S. 2990

At the request of Mr. VITTER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2990, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 3681

At the request of Mr. DOMENICI, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3681, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 3695

At the request of Mr. ROCKEFELLER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3695, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs.

S. 3739

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 3739, a bill to establish a Consortium on the Impact of Technology in Aging Health Services.

S. 3747

At the request of Mr. ROCKEFELLER, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3747, a bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to provide access to Medicare benefits for individuals ages 55 to 65, to amend the Internal Revenue Code of 1986 to allow a refundable and advanceable credit against income tax for payment of such premiums, and for other purposes.

S. 3788

At the request of Mr. BROWNBACK, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 3788, a bill to clarify Federal law to prohibit the dispensing, distribution, or administration of a controlled substance for the purpose of causing, or assisting in causing, the suicide, euthanasia, or mercy killing of any individual.

S. 3795

At the request of Mr. SMITH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 3795, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 3801

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3801, a bill to support the implementation of the Darfur Peace Agreement and to protect the lives and address the humanitarian needs of the people of Darfur, and for other purposes.

S. 3827

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor 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. 3828

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3828, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 3837

At the request of Mr. AKAKA, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 3837, a bill to authorize the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

S. 3848

At the request of Mr. KYL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 3848, a bill to amend title 18, United States Code, to support the war on terrorism, and for other purposes.

S. 3855

At the request of Mr. CONRAD, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 3855, a bill to provide emergency agricultural disaster assistance, and for other purposes.

S. CON. RES. 94

At the request of Mr. COCHRAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that the needs of children and youth affected or displaced by disasters are unique and should be given special consideration in planning, responding, and recovering from such disasters in the United States.

S. CON. RES. 106

At the request of Mr. JOHNSON, the name of the Senator from Maryland

(Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 106, a concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically elected officials of Taiwan.

S. CON. RES. 110

At the request of Mr. DEWINE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Con. Res. 110, a concurrent resolution commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States.

AMENDMENT NO. 4194

At the request of Mr. CARPER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 4194 intended to be proposed to H.R. 8, a bill to make the repeal of the estate tax permanent.

AMENDMENT NO. 4857

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 4857 proposed to H.R. 5631, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4897

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 4897 proposed to H.R. 5631, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4904

At the request of Mr. BIDEN, his name was added as a cosponsor of amendment No. 4904 proposed to H.R. 5631, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself, Mr. MCCONNELL, and Mr. INHOFE):

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

Mr. FRIST. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3861

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 ''Bringing Terrorists to Justice Act of 2006''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) For more than 10 years, the al Qaeda terrorist organization has waged an unlawful war of violence and terror against the United States and its allies. Al Qaeda was involved in the bombing of the World Trade Center in New York City in 1993, the bombing of the United States Embassies in Kenya and Tanzania in 1998, and the attack on the U.S.S. Cole in Yemen in 2000. On September 11, 2001, al Qaeda launched the most deadly foreign attack on United States soil in history. Nineteen al Qaeda operatives hijacked four commercial aircraft and piloted them into the World Trade Center Towers in New York City and the headquarters of the United States Department of Defense at the Pentagon, and downed United Airlines Flight 93. The attack destroyed the Towers, severely damaged the Pentagon, and resulted in the deaths of approximately 3,000 innocent people.

(2) Following the attacks on the United States on September 11th, Congress recognized the existing hostilities with al Qaeda and affiliated terrorist organizations and, by the Authorization for the Use of Military Force Joint Resolution (Public Law 107–40), recognized that ''the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States'' and authorized the President ''to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001 . . . in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.''

(3) The President's authority to convene military commissions arises from the Constitution's vesting in the President of the executive power and the power of Commander in Chief of the Armed Forces. As the Supreme Court of the United States recognized in Madsen v. Kinsella, 343 U.S. 341, 346–48 (1952), ''[s]ince our nation's earliest days, such commissions have been constitutionally recognized agencies for meeting many urgent governmental responsibilities related to war. . . . They have taken many forms and borne many names. Neither their procedure nor their jurisdiction has been prescribed by statute. It has been adapted in each instance to the need that called it forth.''

(4) In exercising the authority vested in the President by the Constitution and laws of the United States, including the Authorization for Use of Military Force Joint Resolution, and in accordance with the law of war, the President has detained enemy combatants in the course of this armed conflict and issued the Military Order of November 13, 2001, to govern the ''Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism.'' This Order authorized the Secretary of Defense to establish military commissions to try individuals subject to the Order for any offenses triable by military commission that such individuals are alleged to have committed.

(5) The Supreme Court in *Hamdan v. Rumsfeld*, 126 S. Ct. 2749 (2006), held that the military commissions established by the Department of Defense under the President's Military Order of November 13, 2001, were not consistent with certain aspects of United States domestic law. The Congress may by law, and does by enactment of this statute, eliminate any deficiency of statutory authority to facilitate bringing terrorists with whom the United States is engaged in armed conflict to justice for violations of the law of war and other offenses triable by military commissions. The prosecution of such individuals by military commissions established and conducted consistent with this Act fully complies with the Constitution, the laws of the United States, treaties to which the United States is a party, and the law of war.

(6) The use of military commissions is particularly important in this context because other alternatives, such as the use of courts-martial, generally are impracticable. The terrorists with whom the United States is engaged in armed conflict have demonstrated a commitment to the destruction of the United States and its people, to the violation of the law of war, and to the abuse of American legal processes. In a time of ongoing armed conflict, it generally is neither practicable nor appropriate for combatants like al Qaeda terrorists to be tried before tribunals that include all of the procedures associated with courts-martial.

(7) Many procedures for courts-martial would not be practicable in trying the unlawful enemy combatants for whom this Act provides for trial by military commission. For instance, court martial proceedings would in certain circumstances—

(A) compel the Government to share classified information with the accused, even though members of al Qaeda cannot be trusted with our Nation's secrets and it would not be consistent with the national security of the United States to provide them with access to classified information;

(B) exclude the use of hearsay evidence even though such evidence often will be the best and most reliable evidence that the accused has committed a war crime. For example, many witnesses in military commission trials are likely to be foreign nationals who are not amenable to process or may be precluded for national security reasons from entering the United States or Guantanamo Bay to testify. Other witnesses may be unavailable because of military necessity, incarceration, injury, or death. In short, applying the hearsay rules from the Manual for Courts-Martial or from the Federal Rules of Evidence would make it virtually impossible to bring terrorists to justice for their violations of the law of war;

(C) specify speedy trials and technical rules for sworn and authenticated statements when, due to the exigencies of wartime, the United States cannot safely require members of the armed forces to gather evidence on the battlefield, including civilian eyewitness testimony, as though they were police officers. Nor can the United States divert members from the front lines and their duty stations to attend military commission proceedings. Therefore, strict compliance with such rules for evidence gathered on the battlefield would be impracticable, given the preeminent focus on military operations and the chaotic nature of combat.

(8) The exclusive judicial review for which this Act, and the Detainee Treatment Act of 2005, provides is without precedent in the history of armed conflicts involving the United States, exceeds the scope of judicial review historically provided for by military commissions, and is channeled in a manner appropriately tailored to—

(A) the circumstances of the conflicts between the United States and international terrorist organizations; and

(B) the need to ensure fair treatment of those detained as enemy combatants, to minimize the diversion of members of the armed forces from other wartime duties, and to protect the national security of the United States.

(9) In early 2002, as memorialized in a memorandum dated February 7, 2002, the President determined that common Article 3 of the Geneva Conventions did not apply

with respect to the United States conflict with al Qaeda because al Qaeda was not a party to those treaties and the conflict with al Qaeda was an armed conflict of an international character. That was the interpretation of the United States prior to the Supreme Court's decision in Hamdan on June 29, 2006. Hamdan's statement to the contrary makes it appropriate to clarify the standards imposed by common Article 3. This Act makes clear that the prohibitions against cruel, inhuman, and degrading treatment found in the Detainee Treatment Act of 2005 fully satisfy the obligations of the United States with respect to the standards for detention and treatment established by section 1 of common Article 3, except for those obligations arising under paragraphs (b) and (d). In addition, the Act makes clear that the Geneva Conventions are not a source of judicially enforceable individual rights, thereby reaffirming that enforcement of the obligations imposed by the Conventions is a matter between the nations that are parties to them.

SEC. 3. AUTHORIZATION FOR MILITARY COMMISSIONS.

(a) IN GENERAL.—The President is authorized to establish military commissions for violations of the law of war and other offenses triable by military commissions as provided in section 4 of this Act (chapter 47A of title 10).

(b) CONSTRUCTION.—The authority granted in subsection (a) shall not be construed to limit the authority of the President under the Constitution of the United States or the laws thereof to establish military commissions on the battlefield, in occupied territories, or in other armed conflicts should circumstances so require.

(c) SCOPE OF PUNISHMENT AUTHORITY.—A military commission established pursuant to subsection (a) shall have authority to impose upon any person found guilty after a proceeding under this Act a sentence that is appropriate to the offense or offenses for which there was a finding of guilt, which sentence may include death where authorized by this Act, imprisonment for life or a term of years, payment of a fine or restitution, or such other lawful punishment or condition of punishment as the commission shall determine to be proper.

(d) EXECUTION OF PUNISHMENT.—The Secretary of Defense shall be authorized to carry out a sentence of punishment decreed by a military commission pursuant to subsection (a) in accordance with such procedures as the Secretary may prescribe.

(e) ANNUAL REPORT ON TRIALS BY MILITARY COMMISSION.—

(1) ANNUAL REPORT REQUIRED.—Not later than December 31 each year, the Secretary of Defense shall submit to the Armed Services Committees of the House of Representatives and the Senate an annual report on the conduct of trials by military commissions established pursuant to sub-section (a) during such year.

(2) FORM.—Each such report shall be submitted in unclassified form, with classified annex, if necessary and consistent with national security.

SEC. 4. MILITRY COMMISSIONS

(a) MILITARY COMMISSIONS.—

(1) IN GENERAL.—Subtitle A of title 10, United States Code, is amended by inserting after chapter 47 the following new chapter:

"CHAPTER 47A—MILITARY COMMISSIONS

''SUBCHAPTER I—GENERAL PROVISIONS

''Sec.

''948a. Definitions.

''948b. Military commissions generally.

''948c. Persons subject to military commissions.

''948d. Jurisdiction of military commissions.

"§ 948a. Definitions

''In this chapter:

''(1) ALIEN.—The term 'alien' means an individual who is not a citizen of the United States.

''(2) CLASSIFIED INFORMATION.—The term 'classified information' means the following—

''(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

''(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

''(3) COMMISSION.—The term 'commission' means a military commission established pursuant to chapter 47A of title 10, United States Code.

''(4) CONVENING AUTHORITY.—The term 'convening authority' shall be the Secretary of Defense or his designee.

''(5) LAWFUL ENEMY COMBATANT.—The term 'lawful enemy combatant' means an individual determined by or under the authority of the President or Secretary of Defense (whether on an individualized or collective basis) to be: (i) a member of the regular forces of a State party engaged in hostilities against the United States or its co-belligerents; (ii) a member of a militia, volunteer corps, or organized resistance movement belonging to a State party engaged in such hostilities, which are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the law of war; or (iii) a member of a regular armed forces who professes allegiance to a government engaged in such hostilities, but not recognized by the United States.

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Defense.

''(7) UNLAWFUL ENEMY COMBATANT.—The term 'unlawful enemy combatant' means an individual determined by or under the authority of the President or the Secretary of Defense—

''(A) to be part of or affiliated with a force or organization—including but not limited to al Qaeda, the Taliban, any international terrorist organization, or associated forces—engaged in hostilities against the United States or its co-belligerents; in violation of the law of war;

''(B) to have committed a hostile act in aid of such a force or organization so engaged; or

''(C) to have supported hostilities in aid of such a force or organization so engaged.

''This definition includes any individual determined by a Combatant Status Review Tribunal, before the effective date of this Act, to have been properly detained as an enemy combatant, but excludes any alien determined by the President or the Secretary of Defense (whether on an individualized or collective basis), or by any competent tribunal established under their authority, to be (i) a lawful enemy combatant (including a prisoner of war), or (ii) a protected person whose trial by these military commissions would be inconsistent with Articles 64–76 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949. For purposes of this section, the term ''protected person'' refers to the category of persons described in Article 4 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949.

''(6) GENEVA CONVENTIONS.—The term 'Geneva Conventions' means the international conventions signed at Geneva on August 12, 1949, including common Article 3.

"§ 948b. Military commissions generally

''(a) PURPOSE.—This chapter codifies and establishes procedures governing the use of military commissions to try unlawful enemy combatants for violations of the law of war and other offenses triable by military commissions. Although military commissions traditionally have been constituted by order of the President, the decision of the Supreme Court in *Hamdan v. Rumsfeld* makes it both necessary and appropriate to codify procedures for military commissions as set forth herein.

''(b) RULE OF CONSTRUCTION.—The procedures for military commissions set forth in this chapter are modeled after the procedures established for courts-martial in the Uniform Code of Military Justice. However, it would be neither desirable nor practicable to try unlawful enemy combatants by court-martial procedures. The trial of such persons by military commission presents new challenges that require that interpretations of this Act not be unduly influenced by the rules and procedures developed for courts-martial. Therefore, no construction or application of chapter 47 of this title shall be binding in the construction or application of this chapter.

''(c) Alien unlawful enemy combatants may be tried for violations of the law of war and other offenses triable by military commissions committed against the United States or its co-belligerents before, on, or after September 11, 2001.

''(d) A military commission established under this chapter is a regularly constituted court, affording all the necessary 'judicial guarantees which are recognized as indispensable by civilized peoples' for purposes of common Article 3 of the Geneva Conventions.

"§ 948c. Persons subject to military commissions

''Alien unlawful enemy combatants, as defined in section 948a of this title, shall be subject to trial by military commissions as set forth in this chapter.

"§ 948d. Jurisdiction of military commissions

''(a) Military commissions shall have jurisdiction to try any offense made punishable under this chapter, when committed by an alien unlawful enemy combatant. Military commissions shall not have jurisdiction over lawful enemy combatants. Lawful enemy combatants who violate the law of war are subject to chapter 47 of Title 10, United States Code. Courts-martial established under chapter 47 shall have jurisdiction to try a lawful enemy combatant for any offense made punishable under this chapter.

''(b) Military commissions shall not have jurisdiction over any individual determined by the President or the Secretary of Defense (whether on an individualized or collective basis), or by any competent tribunal established under their authority, to be a ''protected person'' whose trial by these military commissions would be inconsistent with Articles 64–76 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949. Such persons shall be tried in courts-martial or other tribunals consistent with their status under the Geneva Conventions. For purposes of this section, the term ''protected person'' refers to the category of persons described in Article 4 of the Geneva Convention Relative to the Protected of Civilian Persons in Time of War of August 12, 1949.

''(c) Military commissions may, under such limitations as the Secretary of Defense may prescribe, adjudge any punishment not forbidden by this chapter, including the penalty of death where authorized by this chapter.

''SUBCHAPTER II—COMPOSITION OF MILITARY COMMISSIONS

''Sec.

''948h. Who may convene military commissions.

''948i. Who may serve on military commissions.
''948j. Military judge of a military commission.
''948k. Detail of trial counsel and defense counsel.
''948l. Detail or employment of reporters and interpreters.
''948m. Number of members; excuse of members; absent and additional members.

''§ 948h. Who may convene military commissions

''(a) The Secretary may issue orders convening military commissions to try individuals under this chapter.

''(b) The Secretary may delegate his authority to convene military commissions or to promulgate any regulations under this chapter.

''§ 948i. Who may serve on military commissions

''(a) IN GENERAL.—Any commissioned officer of the United States armed forces on active duty is eligible to serve on a military commission. Eligible commissioned officers shall include, without limitation, reserve personnel on active duty, National Guard personnel on active duty in Federal service, and retired personnel recalled to active duty.

''(b) DETAIL OF MEMBERS.—When convening a commission, the convening authority shall detail as members thereof such members of the armed forces as, in his opinion, are fully qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force shall be eligible to serve as a member of a commission when he is the accuser or a witness for the prosecution or has acted as an investigator or counsel in the same case.

''(c) EXCUSE OF MEMBERS.—Before a commission is assembled for the trial of a case, the convening authority may excuse a member of the commission from participating in the case.

''§ 948j. Military judge of a military commission

''(a) DETAIL OF A MILITARY JUDGE.—A military judge shall be detailed to each commission. The Secretary shall prescribe regulations providing for the manner in which military judges are detailed to such commissions. The military judge shall preside over each commission to which he has been detailed. The convening authority shall not prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed relating to his performance duty as a military judge.

''(b) ELIGIBILITY.—A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court or a member of the bar of the highest court of a State, and who is certified to be qualified for duty as a military judge by the Judge Advocate General of the armed force of which such military judge is a member. A commissioned officer who is certified to be qualified for duty as a military judge of a commission may perform such other duties as are assigned to him by or with the approval of that Judge Advocate General or his designee.

''(c) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person is eligible to act as military judge in any case in which he is the accuser or a witness or has acted as investigator or a counsel in the same case.

''(d) CONSULTATION WITH MEMBERS; INELIGIBILITY TO VOTE.—Except as provided in section 949d of this title, the military judge detailed to the commission may not consult with the members of the commission except in the presence of the accused, trial counsel, and defense counsel, nor may he vote with the members of the commission.

''§ 948k. Detail of trial counsel and defense counsel

''(a) DETAIL OF COUNSEL GENERALLY.—

''(1) Trial counsel and military defense counsel shall be detailed for each commission.

''(2) Assistant trial counsel and assistant and associate military defense counsel may be detailed for each commission.

''(3) Military defense counsel shall be detailed as soon as practicable after the swearing of charges against the person accused.

''(4) The Secretary shall prescribe regulations providing for the manner in which counsel are detailed for military commissions and for the persons who are authorized to detail counsel for such military commissions.

''(b) TRIAL COUNSEL.—Subject to subsection (d), trial counsel detailed for a military commission under this chapter must be—

''(1) a judge advocate (as that term is defined in section 801 of this title) who is—

''(A) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

''(B) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member; or

''(2) a civilian who is—

''(A) a member of the bar of a Federal court or of the highest court of a State; and

''(B) otherwise qualified to practice before the commission pursuant to regulations prescribed by the Secretary.

''(c) MILITARY DEFENSE COUNSEL.—Subject to subsection (d), military defense counsel detailed for a military commission under this chapter must be a judge advocate (as so defined) who is—

''(1) a graduate of an accredited law school or a member of the bar of a Federal court or of the highest court of a State; and

''(2) certified as competent to perform duties as defense counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member.

''(d) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person who has acted as an investigator, military judge, or member of a military commission under this chapter may act later as trial counselor or defense counsel in the same case. No person who has acted for the prosecution may act later in the same case for the defense, nor may any person who has acted for the defense act later in the same case for the prosecution.

''§ 948l. Detail or employment of reporters and interpreters

''(a) COURT REPORTERS.—Under such regulations as the Secretary may prescribe, the convening authority of a military commission shall detail or employ qualified court reporters, who shall record the proceedings of and testimony taken before that commission.

''(b) INTERPRETERS.—Under like regulations the convening authority may detail or employ interpreters who shall interpret for the commission, and, as necessary, for trial counsel and defense counsel.

''(c) TRANSCRIPT; RECORD.—The transcript shall be under the control of the convening authority, which is responsible for preparing the record of the proceedings.

''§ 948m. Number of members; excuse of members; absent and additional members

''(a) NUMBER OF MEMBERS.—A military commission under this chapter shall, except as provided in paragraph (2), have at least five members.

''(2) In a case in which the death penalty is sought, the military commission shall have the number of members prescribed by section 949m(c) of this title.

''(b) EXCUSE OF MEMBERS.—No member of a military commission may be absent or excused after the commission has been assembled for the trial of the accused unless excused—

''(1) as a result of challenge;

''(2) by the military judge for physical disability or other good cause; or

''(3) by order of the convening authority for good cause.

''(c) ABSENT AND ADDITIONAL MEMBERS.—Whenever a military commission is reduced below the requisite number of members, the trial may not proceed unless the convening authority details new members sufficient to provide not less than the requisite number. The trial may proceed with the new members present after the recorded evidence previously introduced before the members of the commission has been read to the commission in the presence of the military judge, the accused (except as provided by section 949d of this title), and counsel for both sides.

''SUBCHAPTER III—PRE-TRIAL PROCEDURE

''Sec.
''948q. Charges and specifications.
''948r. Compulsory self-incrimination prohibited; statements obtained by torture.
''948s. Service of charges.

''§ 948q. Charges and specifications

''(a) CHARGES AND SPECIFICATIONS.—Charges and specifications against an accused shall be signed by a person subject to chapter 47 of this title under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

''(1) that the signer has personal knowledge of, or reason to believe, the matters set forth therein; and

''(2) that they are true in fact to the best of his knowledge and belief.

''(b) NOTICE TO ACCUSED.— Upon the swearing of the charges and specifications in accordance with subsection (a), the accused shall be informed of the charges and specifications against him as soon as practicable.

§ 948r. Compulsory self-incrimination prohibited; statements obtained by torture

''(a) IN GENERAL.—No person shall be required to testify against himself at a commission proceeding.

''(b) STATEMENTS OBTAINED BY TORTURE.—A statement obtained by use of torture, as defined in 18 U.S.C. §2340, whether or not under color of law, shall not be admissible against the accused, except against a person accused of torture as evidence the statement was made.

''(c) STATEMENTS NOT OBTAINED BY TORTURE.—No otherwise admissible statement may be received in evidence, including statements allegedly obtained by coercion, if the military judge finds that the circumstances under which the statement was made render it unreliable or lacking in probative value.

''§ 948s. Service of charges

''The trial counsel assigned to the case shall cause to be served upon the accused and counsel a copy of the charges upon which trial is to be had in English and, if appropriate, in another language that the accused understands, sufficiently in advance of trial to prepare a defense.

''SUBCHAPTER IV—TRIAL PROCEDURE

''Sec.
''949a. Rules.
''949b. Unlawfully influencing action of military commission.
''949c. Duties of trial counsel and defense counsel.

''949d. Sessions.
''949e. Continuances.
''949f. Challenges.
''949g. Oaths.
''949h. Former jeopardy.
''949i. Pleas of the accused.
''949j. Opportunity to obtain witnesses and other evidence.
''949k. Defense of lack of mental responsibility.
''949l. Voting and rulings.
''949m. Number of votes required.
''949n. Military commission to announce action.
''949o. Record of trial.

''§ 949a. Rules

''(a) PROCEDURES.—Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter shall be prescribed by the Secretary, but may not be contrary to or inconsistent with this chapter.

''(b) RULES OF EVIDENCE.—Subject to such exceptions and limitations as the Secretary may provide by regulation, evidence in a military commission shall be admissible if the military judge determines that the evidence would have probative value to a reasonable person.

''(c) HEARSAY EVIDENCE.—Hearsay evidence is admissible, unless the military judge finds that the circumstances render it unreliable or lacking in probative value, provided that the proponent of the evidence makes the evidence known to the adverse party in advance of trial or hearing.

''The military judge shall exclude any evidence the probative value of which is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the members of the commission, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

''§ 949b. Unlawfully influencing action of military commission

''(a) IN GENERAL.—(1) No authority convening a military commission under this chapter may censure, reprimand, or admonish the commission or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the commission, or with respect to any other exercises of its or his functions in the conduct of the proceedings.

''(2) No person may attempt to coerce or, by any unauthorized means, influence the action of a commission or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority with respect to his judicial acts.

''(3) The foregoing provisions of this subsection shall not apply with respect to—

''(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

''(B) statements and instructions given in open proceedings by the military judge or counsel.

''(b) PROHIBITION ON CONSIDERATION OF ACTIONS ON COMMISSION IN EVALUATION OF FITNESS.—In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a commissioned officer of the armed forces is qualified to be advanced, in grade, or in determining the assignment or transfer of any such officer or in determining whether any such officer should be retained on active duty, no person may—

''(1) consider or evaluate the performance of duty of any member of a military commission under this chapter; or

''(2) give a less favorable rating or evaluation to any commissioned officer because of the zeal with which such officer, in acting as counsel, represented any accused before a military commission under this chapter.

''§ 949c. Duties of trial counsel and defense counsel

''(a) TRIAL COUNSEL.—The trial counsel of a military commission shall prosecute in the name of the United States.

''(b) DEFENSE COUNSEL.—(1) The accused shall be represented in his defense before a military commission as provided in this subsection.

''(2) The accused shall be represented by military counsel detailed under section 948k of this title.

''(3) The accused may be represented by civilian counsel if retained by him, provided that civilian counsel—

''(A) is a United States citizen;

''(B) is admitted to the practice of law in a State, district, territory, or possession of the United States, or before a Federal court;

''(C) has not been the subject of any sanction of disciplinary action by any court, bar, or other competent governmental authority for relevant misconduct;

''(D) has been determined to be eligible for access to information classified at the level Secret or higher; and

''(E) has signed a written agreement to comply with all applicable regulations or instructions for counsel, including any rules of court for conduct during the proceedings.

''Civilian defense counsel shall protect any classified information received during the course of their representation of the accused in accordance with all applicable law governing the protection of classified information, and shall not divulge such information to any person not authorized to receive it.

''(4) If the accused is represented by civilian counsel, military counsel detailed shall act as associate counsel.

''(5) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under section 948k of this title to detail counsel in his sole discretion may detail additional military counsel.

''(6) Defense counsel may cross-examine each witness for the prosecution who testifies before the commission.

''§ 949d. Sessions

''(a) SESSIONS WITHOUT PRESENCE OF MEMBERS.—(1) At any time after the service of charges which have been referred for trial by military commission, the military judge may call the commission into session without the presence of the members for the purpose of—

''(A) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

''(B) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members of the commission;

''(C) if permitted by regulations of the Secretary, receiving the pleas of the accused; and

''(D) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 949a of this title and which does not require the presence of the members of the commission.

''(2) Except as provided in subsection (e), any proceedings under paragraph (1) shall be conducted in the presence of the accused, defense counsel, and trial counsel, and shall be made part of the record.

''(b) PROCEEDINGS IN PRESENCE OF ACCUSED.—Except as provided in subsections (c) and (e), all proceedings of a military commission under this chapter shall be in the presence of the accused, defense counsel, and trial counsel, and shall be made a part of the record.

''(c) DELIBERATIONS OR VOTE OF MEMBERS.—When the members of the commission deliberate or vote, only the members may be present.

''(d) PUBLIC PROCEEDINGS.—(1) The military commission shall hold open and public proceedings.

''(2) The military judge may close to the public all or a part of the proceedings of a military commission under this chapter only upon making a specific finding that such closure is necessary to—

''(A) protect information the disclosure of which could reasonably be expected to cause identifiable damage to the public interest or the national security, including intelligence or law enforcement sources, methods, or activities; or

''(B) ensure the physical safety of individuals.

''(e) LIMITED EXCLUSION OF THE ACCUSED FOR THE PROTECTION OF CLASSIFIED INFORMATION.—(1) The military judge may, subject to the provisions of this subsection, permit the admission in a military commission under this chapter of classified information outside the presence of the accused.

''(2) The military judge shall not exclude the accused from any portion of the proceeding except upon a specific finding that extraordinary circumstances exist such that—

''(A) the exclusion of the accused—

''(i) is necessary to protect classified information the disclosure of which to the accused could reasonably be expected to cause identifiable damage to the national security, including intelligence or law enforcement sources, methods, or activities; or

''(ii) is necessary to ensure the physical safety of individuals; or

''(iii) is necessary to prevent disruption of the proceedings by the accused; and

''(B) the exclusion of the accused—

''(i) is no broader than necessary; and

''(ii) will not deprive the accused of a full and fair trial.

''(3)(A) A finding under paragraph (2) may be based upon a presentation, including an ex parte or in camera presentation, by either trial counselor defense counsel.

''(B) Before trial counsel may make a presentation described in subparagraph (A) requesting the admission of classified evidence outside the presence of the accused, the head of the executive or military department or governmental agency which has control over the matter (after personal consideration by that officer) shall certify in writing to the military judge that—

''(i) the disclosure of such classified information to the accused could reasonably be expected to prejudice the national security; and

''(ii) such evidence has been declassified to the maximum extent possible, consistent with the requirements of national security.

''(4)(A) No evidence shall be admitted if the accused is not present for its admission or the evidence is not otherwise provided to the accused, unless the evidence is classified information and the military judge makes a specific finding that—

''(i) consideration of the evidence by the commission, without the presence of the accused, is warranted; and

''(ii) admission of an unclassified summary or redacted version of that evidence would not be an adequate substitute and, in the case of testimony, alternative methods to obscure the identity of the witness are not adequate; and

''(iii) admission of the evidence would not deprive the accused of a full and fair trial.

''(B) If the accused is excluded from a portion of the proceeding, the accused shall be provided with a redacted transcript of the proceeding and, to the extent practicable, an unclassified summary of any evidence introduced. Under no circumstances shall such a summary or redacted transcript compromise the interests warranting the exclusion of the accused under this subsection.

''(5)(A) Military defense counsel shall be present and able to participate in all trial proceedings, and shall be given access to all evidence admitted under subparagraph (4).

''(B) Civilian defense counsel shall be permitted to be present and to participate in all trial proceedings, and shall be given access to evidence admitted under sub-paragraph (4), provided that civilian defense counsel has obtained the necessary security clearances and that such presence and access are consistent with regulations that the Secretary may prescribe to protect classified information.

''(C) Notwithstanding any other provision of law, any defense counsel who receives classified information admitted pursuant to subparagraph (4) shall not be obligated to, and may not, disclose that evidence to the accused.

''(f) ADMISSION OF STATEMENTS OF ACCUSED.—(1) Notwithstanding any other provision in this chapter, no statement made by the accused during an interrogation, even if otherwise classified, may be admitted into evidence in a military commission under this chapter unless the accused is present for its admission or the evidence is otherwise provided to the accused.

''(2) For purposes of this subsection, a 'statement' is a statement communicated knowingly and directly by the accused in response to questioning by foreign or United States military, intelligence, or criminal investigative personnel. This paragraph shall not be construed to prevent the redaction of intelligence sources or methods, which do not constitute statements of the accused, from any document provided to the accused or admitted into evidence.

''§ 949e. Continuances

''The military judge may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

''§ 949f. Challenges

''(a) CHALLENGES AUTHORIZED.—The military judge and members of the commission may be challenged by the accused or the trial counsel for cause stated to the commission. The military judge shall determine the relevance and validity of the challenges for cause, and may not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

''(b) PEREMPTORY CHALLENGES.—Each accused and the trial counsel is entitled to one peremptory challenge, but the military judge may not be challenged except for cause.

''(c) CHALLENGES AGAINST ADDITIONAL MEMBERS.—Whenever additional members are detailed to the court, and after any challenges for cause against such additional members are presented and decided each accused and the trial counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.

''§ 949g. Oaths

''(a) IN GENERAL.—(1) Before performing their respective duties, military judges, members of commissions, trial counsel, defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully.

''(2) The form of the oath required by paragraph (1), the time and place of the taking thereof, the manner of recording the same, and whether the oath shall be taken for all cases in which these duties are to be performed or for a particular case, shall be as prescribed in regulations of the Secretary. These regulations may provide that—

''(A) an oath to perform faithfully duties as a military judge, trial counsel, or defense counsel, may be taken at any time by any judge advocate or other person certified to be qualified or competent for duty; and

''(B) if such an oath is taken it need not again be taken at the time the judge advocate, or other person is detailed to that duty.

''(b) WITNESSES.—Each witness before a military commission under this chapter shall be examined on oath.

''(c) OATH DEFINED.—As used in this section, ''oath'' includes an affirmation.

''§ 949h. Former jeopardy

''(a) IN GENERAL.—No person may, without his consent, be tried by a commission a second time for the same offense.

''(b) SCOPE OF TRIAL.—No proceeding in which the accused has been found guilty by military commission upon any charge or specification is a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

''§ 949i. Pleas of the accused

''(a) PLEA OF NOT GUILTY.—If an accused after a plea of guilty sets up matter inconsistent with the plea, or if it appears that he has entered the plea of guilty through lack of understanding of its meaning and effect, or if he fails or refuses to plead, a plea of not guilty shall be entered in the record, and the commission shall proceed as though he had pleaded not guilty.

''(b) FINDING OF GUILT AFTER GUILTY PLEA.—With respect to any charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge, a finding of guilty of the charge or specification may be entered immediately without a vote. This finding shall constitute the finding of the commission unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

''§ 949j. Opportunity to obtain witnesses and other evidence

''(a) IN GENERAL.—(1) Defense counsel in a military commission under this chapter shall have a reasonable opportunity to obtain witnesses and other evidence, including evidence in the possession of the United States, as specified in regulations prescribed by the Secretary.

''(2) Process issued in military commissions to compel witnesses to appear and testify and to compel the production of other evidence—

''(A) shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue; and

''(B) shall run to any place where the United States shall have jurisdiction thereof.

''(b) TREATMENT OF CERTAIN ITEMS.—The military judge in a military commission under this chapter may, upon a sufficient showing, authorize trial counsel in making documents available to the defense through discovery conducted pursuant to such rules as the Secretary shall prescribe—

''(1) to delete specified items of classified information from such documents;

''(2) to substitute an unclassified summary of the information for such classified documents; or

''(3) to substitute an unclassified statement admitting relevant facts that classified information would tend to prove.

''(c) DISCLOSURE OF EXCULPATORY EVIDENCE.—(1) As soon as practicable, trial counsel in a military commission under this chapter shall disclose to the defense the existence of any evidence known to trial counsel that reasonably tends to exculpate the accused.

''(2) Exculpatory evidence that is classified may be provided solely to defense counsel, and not the accused, after in camera review by the military judge.

''(3) Before classified evidence may be withheld from the accused under this subsection, the executive or military department or governmental agency which has control over the matter shall ensure and shall certify in writing to the military judge that the disclosure of such evidence to the accused could reasonably be expected to prejudice the national security and that such evidence has been declassified to the maximum extent possible, consistent with the requirements of national security.

''(4) Any classified exculpatory evidence that is not disclosed to the accused under this subsection—

''(A) shall be provided to military defense counsel; and

''(B) shall be provided to civilian defense counsel, provided that civilian defense counsel has obtained the necessary security clearances and access to such evidence is consistent with regulations that the Secretary may prescribe to protect classified information; and

''(C) shall be provided to the accused in a redacted or summary form, if it is possible to do so without compromising intelligence sources, methods, or activities, or other national security interests.

''(5) Notwithstanding any other provision of law, any defense counsel who receives evidence under this subsection shall not be obligated to, and may not, disclose that evidence to the accused.

''§ 949k. Defense of lack of mental responsibility

''(a) AFFIRMATIVE DEFENSE.—It is an affirmative defense in a trial by military commission that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

''(b) BURDEN OF PROOF.—The accused has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

''(c) FINDINGS FOLLOWING ASSERTION OF DEFENSE.—Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue, the military judge shall instruct the members of the commission as to the defense of lack of mental responsibility under this section and shall charge them to find the accused—

''(1) guilty;

''(2) not guilty; or

''(3) not guilty only by reason of lack of mental responsibility.

''(d) MAJORITY VOTE REQUIRED FOR FINDING.—The accused shall be found not guilty only by reason of lack of mental responsibility under subsection (c)(3) only if a majority of the members of the commission at the time the vote is taken determines that the defense of lack of mental responsibility has been established.

''§ 949l. Voting and rulings

''(a) VOTE BY SECRET WRITTEN BALLOT.—Voting by members of a military commission on the findings and on the sentence shall be by secret written ballot.

''(b) RULINGS.—(1) The military judge shall rule upon all questions of law, including the

admissibility of evidence, and all interlocutory questions arising during the proceedings.

''(2) Any such ruling made by the military judge upon any question of law or any interlocutory question other than the factual issue of mental responsibility of the accused is conclusive and constitutes the ruling of the commission. However, the military judge may change his ruling at any time during the trial.

''(C) INSTRUCTIONS PRIOR TO VOTE.—Before a vote is taken of the findings, the military judge shall, in the presence of the accused and counsel, instruct the members of the commission as to the elements of the offense and charge them—

''(1) that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond reasonable doubt;

''(2) that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted;

''(3) that, if there is reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

''(4) that the burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the United States.

''§ 949m. Number of votes required

''(a) CONVICTION.—No person may be convicted of any offense, except as provided in section 949i(b) of this title or by concurrence of two-thirds of the members present at the time the vote is taken.

''(b) SENTENCES.—(1) Except. as provided in paragraphs (2) and (3), sentences shall be determined by a military commission by the concurrence of two-thirds of the members present at the time the vote is taken.

''(2) No person may be sentenced to suffer death, except insofar as—

''(A) death has been expressly authorized under this Act for an offense of which the accused has been found guilty;

''(B) the charges referred to the commission expressly sought the penalty of death;

''(C) the accused was convicted of the offense by the concurrence of all the members of the military commission present at the time the vote is taken; and

''(D) all members of the military commission present at the time the vote was taken concurred in the sentence of death.

''(3) No person may be sentenced to life imprisonment or to confinement for more than 10 years, except by the concurrence of three-fourths of the members at the time the vote is taken.

''(c) NUMBER OF MEMBERS REQUIRED FOR PENALTY OF DEATH.—(1) Except as provided in paragraph (2), in a case in which the penalty of death is sought, the number of members shall be not less than 12.

''(2) In any case described in paragraph (1) in which 12 members are not reasonably available because of physical conditions or military exigencies, the convening authority shall specify a lesser number of members for the military commission (but not fewer than 5 members), and the military commission may be assembled and the trial held with not fewer than the number of members so specified. In such a case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.

''§ 949n. Military commission to announce action

''A military commission shall announce its findings and sentence to the parties as soon as determined.

''§ 949o. Record of trial

''(a) RECORD; AUTHENTICATION.—Each military commission shall keep a separate, substantially verbatim, record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by that of a member of the commission if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. Where appropriate, and as provided by regulation, the record of the military commission may contain a classified annex.

''(b) COMPLETE RECORD REQUIRED.—A complete record of the proceedings and testimony shall be prepared in every military commission established under this chapter.

''(c) PROVISION OF COPY TO ACCUSED.—A copy of the record of the proceedings of each military commission shall be given to the accused as soon as it is authenticated. Where the record contains classified information, or a classified annex, the accused shall receive a redacted version of the record. The appropriate defense counsel shall have access to the unredacted record, as provided by regulation.

''SUBCHAPTER V—SENTENCES

''Sec.
''949s. Cruel or unusual punishments prohibited.
''949t. Maximum limits.
''949u. Execution of confinement.

''§ 949s. Cruel or unusual punishments prohibited

''Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by a military commission or inflicted upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited.

''§ 949t. Maximum limits

''The punishment which a military commission may direct for an offense may not exceed such limits as the President or Secretary may prescribe for that offense.

''§ 949u. Execution of confinement

''(a) IN GENERAL.—Under such regulations as the Secretary may prescribe, a sentence of confinement adjudged by a military commission may be carried into execution by confinement—

''(1) in any place of confinement under the control of any of the armed forces; or

''(2) in any penal or correctional institution under the control of the United States or its allies or which the United States may be allowed to use.

''(b) TREATMENT DURING CONFINEMENT BY OTHER THAN THE ARMED FORCES.—Persons confined under subsection (a)(2) in a penal or correctional institution not under the control of one of the armed forces are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, Territory, District of Columbia, or place in which the institution is situated.

''SUBCHAPTER VI—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS

''Sec.
''950a. Error of law; lesser included offense.
''950b. Review by the convening authority.
''950c. Waiver or withdrawal of appeal.
''950d. Appeal by the United States.
''950e. Rehearings.
''950f. Review by Court of Military Commission Review.
''950g. Review by the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court of the United States.
''950h. Appellate counsel.
''950i. Execution of sentence; suspension of sentence.
''950j. Finality or proceedings, findings, and sentences.

''950a. Error of law; lesser included offense

''(a) ERROR OF LAW.—A finding or sentence of a military commission may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

''(b) LESSER INCLUDED OFFENSE.—Any reviewing authority with the power to approve or affirm a finding of guilty may approve or affirm, instead, so much of the finding as includes a lesser included offense.

''§ 950b. Review by the convening authority

''(a) NOTICE TO CONVENING AUTHORITY OF FINDINGS AND SENTENCE.—The findings and sentence of a military commission under this chapter shall be reported in writing promptly to the convening authority after the announcement of the sentence.

''(b) SUBMITTAL OF MATTERS BY ACCUSED TO CONVENING AUTHORITY.—The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence of the military commission under this chapter.

''(2)(A) Except as provided in subparagraph (B), a submittal under paragraph (1) shall be made in writing within 20 days after the accused has been given an authenticated record of trial under section 949o(c) of this title.

''(B) If the accused shows that additional time is required for the accused to make a submittal under paragraph (1), the convening authority, for good cause, may extend the applicable period under subparagraph (A) for not more than an additional 20 days.

''(3) The accused may waive his right to make a submission to the convening authority under paragraph (1). Such a waiver must be made in writing and may not be revoked. For the purposes of subsection (c)(2), the time within which the accused may make a submission under this subsection shall be deemed to have expired upon the submission of such a waiver to the convening authority.

''(c) ACTION BY THE CONVENING AUTHORITY.—(1) The authority under this section to modify the findings and sentence of a military commission under this chapter is a matter of the sole discretion and prerogative of the convening authority.

''(3)(A) Action on the sentence of a military commission shall be taken by the convening authority.

''(B) Subject to regulations of the Secretary, such action may be taken only after consideration of any matters submitted by the accused under subsection (b) or after the time for submitting such matters expires, whichever is earlier.

''(C) In taking action under this paragraph, the convening authority, in his sole discretion, may approve, disapprove, commute, or suspend the sentence in whole or in part. The convening authority may not increase the sentence beyond that which is found by the commission.

''(3) Action on the findings of a military commission by the convening authority is not required. However, the convening authority, in his sole discretion, may—

''(A) dismiss any charge or specification by setting aside a finding of guilty thereto; or

''(B) change a finding of guilty to a charge to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge.

''(4) The convening authority shall serve on the accused or on defense counsel notice of any action taken by the convening authority under this subsection.

''(d) ORDER OF REVISION OR REHEARING.—(1) Subject to paragraphs (2) and (3), the convening authority, in his sole discretion, may order a proceeding in revision or a rehearing.

''(2)(A) Except as provided in subparagraph (B), a proceeding in revision may be ordered if—

''(i) there is an apparent error or omission in the record; or

''(ii) the record shows improper or inconsistent action by a military commission with respect to the findings or sentence that can be rectified without material prejudice to the substantial rights of the accused.

''(B) In no case may a proceeding in revision—

''(i) reconsider a finding of not guilty of any specification or a ruling which amounts to a finding of not guilty;

''(ii) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation;

''(iii) increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

''(3) A rehearing may be ordered by the convening authority if he disapproves the findings and sentence and states the reasons for disapproval of the findings. If such a person disapproves the findings and sentence and does not order a rehearing, he shall dismiss the charges. A rehearing as to the findings may not be ordered where there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered if the convening authority disapproves the sentence.

''§ 950c. Waiver or withdrawal of appeal

''(a) WAIVER OF RIGHT OF REVIEW.—(1) In each case subject to appellate review under section 950f and 950g of this title, except a case in which the sentence as approved under section 950b of this title includes death, the accused may file with the convening authority a statement expressly waiving the right of the accused to such review.

''(2) A waiver under paragraph (1) shall be signed by both the accused and by a defense counsel.

''(3) A waiver under paragraph (1) must be filed, if at all, within 10 days after notice on the action is served on the accused under section 950b(c)(4) of this title. The convening authority, for good cause, may extend the period for such filing by not more than 30 days.

''(b) WITHDRAWAL OF APPEAL.—Except in a case in which the sentence as approved under section 950b of this title includes death, the accused may withdraw an appeal at any time.

''(c) EFFECT OF WAIVER OR WITHDRAWAL.—A waiver of the right to appellate review or the withdrawal of an appeal under this section bars review under section 950f or 950g of this title.

''§ 950d. Appeal by the United States

''(a) INTERLOCUTORY APPEAL.—(1) Except as provided in paragraph (2), in a trial by military commission under this chapter, the United States may take an interlocutory appeal to the Court of Military Commission Review of any order or ruling of the military judge that—

''(A) terminates commission proceedings with respect to a charge or specification;

''(B) excludes evidence that is substantial proof of a fact material in the proceeding; or

''(C) relates to a matter under subsection (d), (e), or (f) of section 949d of this title.

''(2) The United States may not appeal under paragraph (1) an order or ruling that is, or amounts to, a finding of not guilty by the commission with respect to the charge or specification.

''(b) NOTICE OF APPEAL.—The United States shall take an appeal of an order or ruling under subsection (a) by filing a notice of appeal with the military judge within five days after the date of such order or ruling.

''(c) APPEAL.—An appeal under this section shall be forwarded by means prescribed under regulations of the Secretary directly to the Court of Military Commission Review. In ruling on an appeal under this section, the Court of Military Commission Review may act only with respect to matters of law.

''(d) COURT OF APPEALS.—The United States may appeal an adverse ruling under subsection (c) to the United States Court of Appeals for the District of Columbia Circuit by filing a petition for review in the Court of Appeals within 10 days after the date of such ruling. Review under this subsection shall be at the discretion of the Court of Appeals.

''950e. Rehearings

''(a) COMPOSITION OF MILITARY COMMISSION FOR REHEARING.—Each rehearing under this chapter shall take place before a military commission composed of members not members of the commission which first heard the case.

''(b) SCOPE OF REHEARING.—(1) Upon a rehearing—

''(A) the accused may not be tried for any offense of which he was found not guilty by the first commission; and

''(B) no sentence in excess of or more than the original sentence may be imposed unless—

''(i) the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings; or

''(ii) unless the sentence prescribed for the offense is mandatory.

''(2) Upon a rehearing, if the sentence approved after the first commission was in accordance with a pretrial agreement and the accused at the rehearing changes his plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with pretrial agreement, the sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first commission.

''§ 950f. Review by Court of Military Commission Review

''(a) COURT ESTABLISHED.—(1) The Secretary shall establish a Court of Military Commission Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges.

''(2) For the purpose of reviewing military commission decisions, the court may sit in panels or as a whole in accordance with rules prescribed by the Secretary.

''(b) COMPOSITION OF THE COURT.—(1) The Secretary shall assign appellate military judges to a Court of Military Commission Review.

''(2) Each appellate military judge shall meet the qualifications for military judges prescribed by section 948j(b) of this Act or shall be a civilian with comparable qualifications.

''(3) No person may be appointed to serve as an appellate military judge in any case in which that person acted as a military judge, counsel, or reviewing official.

''(c) RIGHT OF APPEAL.—The accused may appeal from the final decision of a military commission, and the United States may appeal as provided in section 950d of this title, to the Court of Military Commission Review in accordance with procedures prescribed under regulations of the Secretary.

''(d) SCOPE OF REVIEW.—In ruling on an appeal under this section, the Court of Military Commission Review may act only with respect to matters of law.

''§ 950g. Review by the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court of the United States

''(a) IN GENERAL.—(1)(A) Except as provided in subparagraph (B), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of a final judgment rendered by a military commission, pursuant to Section 1005(e)(3) of the Detainee Treatment Act of 2005.

''(B) The Court of Appeals shall not review the final judgment until all other appeals under this chapter have been waived or exhausted.

''(2) A petition for review must be filed by the accused in the Court of Appeals by no longer than 20 days from the earlier of when—

''(A) written notice of the final decision of the Court of Military Commission Review is served on the accused or on defense counsel; or

''(B) the accused submits, in the form prescribed by section 950c of this title, a written notice waiving his right to appeal under section 950f of this title.

''(b) REVIEW BY SUPREME COURT.—The Supreme Court of the United States may review by writ of certiorari the final judgment of the Court of Appeals pursuant to section 1257 of title 28, United States Code.

''§ 950h. Appellate counsel

''(a) APPOINTMENT.—The Secretary shall, by regulation, establish procedures for the appointment of appellate counsel for the United States and for the accused in military commissions under this chapter. Appellate counsel shall meet the qualifications for appearing before military commissions under this chapter.

''(b) REPRESENTATION OF UNITED STATES.—Appellate counsel may represent the United States in any appeal or review proceeding under this chapter. Appellate Government counsel may represent the United States before the Supreme Court in cases arising under this chapter when requested to do so by the Attorney General.

''(c) REPRESENTATION OF ACCUSED.—The accused shall be represented by appellate military counsel before the Court of Military Commission Review, the United State Court of Appeals for the District of Columbia Circuit, or the Supreme Court, or by civilian counsel if retained by him.

''§ 950i. Execution of sentence; suspension of sentence

''(a) EXECUTION OF SENTENCE OF DEATH ONLY UPON APPROVAL BY THE PRESIDENT.—If the sentence of a military commission under this chapter extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as he sees fit.

''(b) EXECUTION OF SENTENCE OF DEATH ONLY UPON FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.—(1) If the sentence of a military commission under this chapter extends to death, the sentence may not be executed until there is a final judgment as to the legality of the proceedings (and with respect to death, approval under subsection (a)).

''(2) A judgment as to legality of the proceedings is final for purposes of paragraph (1) when—

''(A) review is completed by the Court of Military Commission Review and—

''(i) the time for the accused to file a petition for review by the Court of Appeals for the D.C. Circuit has expired; and

''(ii) the accused has not filed a timely petition for such review; and

''(iii) the case is not otherwise under review by that Court; or

''(B) review is completed in accordance with judgment of the Court of Appeals for the D.C. Circuit and—

''(i) a petition for a writ of certiorari is not timely filed;

''(ii) such a petition is denied by the Supreme Court; or

''(iii) review is otherwise completed in accordance with the judgment of the Supreme Court.

''(c) SUSPENSION OF SENTENCE.—The Secretary, or the convening authority acting on the case (if other than the Secretary), may suspend the execution of any sentence or part thereof in the case, except a sentence of death.

''§ 950j. Finality of proceedings, findings, and sentences

''(a) FINALITY.—The appellate review of records of trial provided by this chapter, the proceedings, findings, and sentences of military commissions as approved, reviewed, or affirmed as required by this chapter, are final and conclusive. Orders publishing the proceedings of military commissions are binding upon all departments, courts, agencies, and officers of the United States, subject only to authority of the President.

''(b) PROVISIONS OF CHAPTER SOLE BASIS FOR REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter, and notwithstanding any other law (including section 2241 of title 28, United States Code, or any other habeas corpus provision), no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of enactment of this chapter, relating to the prosecution, trial, or judgment of a military commission convened under this section, including challenges to the lawfulness of the procedures of military commissions under this chapter.

''SUBCHAPTER VII—PUNITIVE MATTERS

''Sec.
''950p. Substantive offenses.
''950q. Principals.
''950r. Accessory after the fact.
''950s. Conviction of lesser offenses.
''950t. Attempts.
''950u. Solicitation.
''950v. Crimes triable by military commission.
''950w. Perjury and obstruction of justice.
''950x. Contempt.

''§ 950p. Substantive offenses generally

''(a) PURPOSE.—The following provisions codify offenses that have traditionally been triable by military commissions. This Act does not establish new crimes that did not exist before its establishment, but rather codifies those crimes for trial by military commission.

''(b) EFFECT.—Because these provisions are declarative of existing law, they do not preclude trial for crimes that occurred prior to their effective date.

''§ 950q. Principals

''Any person is punishable as a principal under this chapter who—

''(1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission; or

''(2) causes an act to be done which if directly performed by him would be punishable by this chapter; or

''(3) is a superior commander who, with regard to acts punishable under this chapter, knew, had reason to know, or should have known, that a subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

''§ 950r. Accessory after the fact

''Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a military commission may direct.

''§ 950s. Conviction of lesser offenses

''An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an offense necessarily included therein.

''§ 950t. Attempts

''(a) IN GENERAL.—Any person subject to this chapter who attempts to commit any offense punishable by this Act shall be punished as a military commission may direct.

''(b) SCOPE OF OFFENSE.—An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

''(c) EFFECT OF CONSUMMATION.—Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

''§ 950u. Solicitation

''Any person subject to this chapter who solicits or advises another or others to commit one or more substantive offenses triable by military commission shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, he shall be punished as a military commission may direct.

''§ 950v. Crimes triable by military commission

''(a) DEFINITIONS AND CONSTRUCTION.—(1) For purposes of this chapter, the term 'military objective' refers to combatants and those objects during an armed conflict which, by their nature, location, purpose, or use, effectively contribute to the opposing force's war-fighting or war-sustaining capability and whose total or partial destruction, capture, or neutralization would constitute a definite military advantage to the attacker under the circumstances at the time of the attack.

''(2) For purposes of this section only, 'protected person' refers to any person entitled to protection under one or more of the Geneva Conventions, including civilians not taking an active part in hostilities, military personnel placed *hors de combat* by sickness, wounds, or detention, and military medical or religious personnel.

''(3) For purposes of this chapter, the term 'protected property' refers to property specifically protected by the law of war such as buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals, or places where the sick and wounded are collected, provided they are not being used for military purposes or are not otherwise military objectives. Such property would include objects properly identified by one of the distinctive emblems of the Geneva Conventions but does not include all civilian property.

''(4) The intent required for offenses (1), (2), (3), (4) and (12) under subsection (b) precludes their applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

''(b) OFFENSES.—The following enumerated offenses, when committed in the context of and associated with armed conflict, shall be triable by military commission under this chapter at any time without limitation—

''(1) MURDER OF PROTECTED PERSONS.—Any person who intentionally kills one or more protected persons is guilty of the offense of intentionally killing protected persons and shall be subject to whatever punishment the commission may direct, including the penalty of death.

''(2) ATTACKING CIVILIANS.—Any person who intentionally engages in an attack upon a civilian population as such or individual civilians not taking active part in hostilities is guilty of the offense of attacking civilians and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

''(3) ATTACKING CIVILIAN OBJECTS.—Any person who intentionally engages in an attack upon civilian objects (property that is not a military objective) shall be guilty of the offense of attacking civilian objects and shall be subject to whatever punishment the commission may direct.

''(4) ATTACKING PROTECTED PROPERTY.—Any person who intentionally engages in an attack upon protected property shall be guilty of the offense of attacking protected property and shall be subject to whatever punishment the commission may direct.

''(5) PILLAGING.—Any person who intentionally and in the absence of military necessity appropriates or seizes property for private or personal use, without the consent of a person with authority to permit such appropriation or seizure, shall be guilty of the offense of pillaging and shall be subject to whatever punishment the commission may direct.

''(6) DENYING QUARTER.—Any person who, with effective command or control over subordinate groups, declares, orders, or otherwise indicates to those forces that there shall be no survivors or surrender accepted, with the intent therefore to threaten an adversary or to conduct hostilities such that there would be no survivors or surrender accepted, shall be guilty of denying quarter and shall be subject to whatever punishment the commission may direct.

''(7) TAKING HOSTAGES.—Any person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be guilty of the offense of taking hostages and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

''(8) EMPLOYING POISON OR ANALOGOUS WEAPONS.—Any person who intentionally, as a method of warfare, employs a substance or a weapon that releases a substance that causes death or serious and lasting damage to health in the ordinary course of events, through its asphyxiating, bacteriological, or toxic properties, shall be guilty of employing poison or analogous weapons and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

''(9) USING PROTECTED PERSONS AS SHIELDS.—Any person who positions, or otherwise takes advantage of, a protected person with the intent to shield a military objective from attack or to shield, favor, or impede military operations, shall be guilty of the offense of using protected persons as shields and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

''(10) USING PROTECTED PROPERTY AS SHIELDS.—Any person who positions, or otherwise takes advantage of the location of, protected property under the law of war with the intent to shield a military objective from attack or to shield, favor, or impede military operations, shall be guilty of the offense of using protected property as shields and shall be subject to whatever punishment the commission may direct.

''(11) TORTURE.—Any person who commits an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be guilty of torture and subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. 2340(2).

''(12) CRUEL OR INHUMAN TREATMENT.—Any person who commits an act intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including severe physical abuse, upon another person within his custody or physical control shall be guilty of cruel or inhuman treatment and subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. 2340(2).

''(13) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—Any person who intentionally causes serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war shall be guilty of the offense of causing serious bodily injury and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death. 'Serious bodily injury' has the meaning provided in 18 U.S.C. 113(b)(2).

''(14) MUTILATING OR MAIMING.—Any person who intentionally injures one or more protected persons, by disfiguring the person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of his body, without any legitimate medical or dental purpose, shall be guilty of the offense of mutilation or maiming and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

''(15) MURDER IN VIOLATION OF THE LAW OF WAR.—Any person who intentionally kills one or more persons, including lawful combatants, in violation of the law of war shall be guilty of the offense of murder in violation of the law of war and shall be subject to whatever punishment the commission may direct, including the penalty of death.

''(16) DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR.—Any person who intentionally destroys property belonging to another person in violation of the law of war shall be guilty of the offense of destruction of property in violation of the law of war and shall be subject to whatever punishment the commission may direct.

''(17) USING TREACHERY OR PERFIDY.—Any person who, after inviting the confidence or belief of one or more persons that they were entitled to, or obliged to accord, protection under the law of war, intentionally makes use of that confidence or belief in killing, injuring, or capturing such person or persons, shall be guilty of using treachery or perfidy and shall be subject to whatever punishment the commission may direct.

''(18) IMPROPERLY USING A FLAG OF TRUCE.—Any person who uses a flag of truce to feign an intention to negotiate, surrender, or otherwise to suspend hostilities when there is no such intention, shall be guilty of improperly using a flag of truce and shall be subject to whatever punishment the commission may direct.

''(19) IMPROPERLY USING A DISTINCTIVE EMBLEM.—Any person who intentilly uses a distinctive emblem recognized by the law of war for combatant purposes in a manner prohibited by the law of waf shall be guilty of improperly using a distinctive emblem and shall be subject to whatever punishment the commission may direct.

(20) POTENTIONALLY MISTREATING A DEAD BODY.—Any person who intentionally mistreats the body of a dead person, without justification by legitimate military necessary, shall be guilty of the offense of mistreating a dead body and shall be subject to whatever punishment the commission may direct.

(21) RAPE.—Any person who forcibly or with coercion or threat of force wrongfully invades the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused or with any foreign object shall be guilty of the offense of rape and shall be subject to whatever punishment the commission may direct.

''(22) HIJACKING OR HAZARDING A VESSEL OR AIRCRAFT.—Any person subject to this chapter who intentionally seizes, exercises unauthorized control over, or endangers the safe navigation of, a vessel or aircraft that was not a legitimate military target is guilty of the offense of hijacking or hazarding a vessel or aircraft and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

''(23) TERRORISM.—Any person subject to this chapter who intentionally kills or inflicts great bodily harm on one or more persons, or intentionally engages in an act that evinces a wanton disregard for human life, in a manner calculated to influence or affect the conduct of government or civilian population by intimidation or coercion, or to retaliate against government conduct, shall be guilty of the offense of terrorism and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, penalty of death.

''(24) PROVIDING MATERIAL SUPPORT FOR TERRORISM.—Any person who provides material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, an act of terrorism (as defined in subsection (b)(23) of this section), or who intentionally provides material support or resources to an international terrorist organization engage in hostilities against the United States, knowing that such organization has engaged or engages in terrorism as defined in subsection (b)(23) of this section), shall be guilty of the offense of providing material support for terrorism and shall be subject to whatever punishment the commission may direct. The term 'material support or resources' has the meaning provided in 18 U.S.C. 2339A(b).

''(25) WRONGFULLY AIDING THE ENEMY.—Any person who, in breach of an allegiance or duty to the United States, knowingly and intentionally aids an enemy of the United States or one its cobelligerents shall be guilty of the offense of wrongfully aiding the enemy and shall be subject to whatever phmthe commission may direct.

''(26) SPYING.—Any person who, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign-power, collects or attempts to collect certain information by clandestine means or while acting under false pretenses, for the purpose of conveying such information to an enemy of the United States or one of its co-belligerents, shall be guilty of the offense of spying and shall be subject to whatever punishment the commission may direct, including the penalty of death.

''(27) CONSPIRACY.—Any person who conspires to commit one or more substantive offenses triable under this section, and who knowingly does any overt act to effect the object of the conspiracy, shall be guilty of conspiracy and shall be subject to whatever punishment the commission may direct, including, if death results to one or more of the victims, the penalty of death.

''§ 950w. Perjury and obstruction of justice

''The military commissions also may try offenses and impose punishments for perjury, false testimony, or obstruction of justice related to military commissions.

''§ 950x. Contempt

''A military commission may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder.''.

(2) TABLES OF CHAPTERS AMENDMENTS.—The tables of chapters at the beginning of subtitle A and part II of subtitle A of title 10, United States Code, are each amended by inserting after the item relating to chapter 47 the following new item:

''CHAPTER 47A—MILITARY COMMISIONS

''SUBCHAPTER I—GENERAL PROVISIONS

''SUBCHAPTER II—COMPOSITION OF COURTS-MARTIAL

''SUBCHAPTER III—PRE-TRIAL PROCEDURE

''SUBCHAPTER IV—TRIAL PROCEDURE

''SUBCHAPTER V—SENTENCES

''SUBCHAPTER VI—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS

''SUBCHAPTER VII—PUNITIVE MATTERS

(b) SUBMITTAL OF PROCEDURES TO CONGRESS.—

(1) SUBMITTAL OF PROCEDURES.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report setting forth the procedures for military commissions prescribed under Chapter 47A of title 10, United States Code (as added by subsection (a)).

(2) SUBMITTAL OF MODIFICATIONS.—Not later than 60 days before the date on which any proposed modification of the procedures described in paragraph (1) shall go into effect, the Secretary shall submit to the committees of Congress referred to in that paragraph a report describing such modifications.

SEC. 5. JUDICIAL REVIEW.

Section 2241 of title 28, United States Code, is amended by replacing subsection (e) with the following:

''(e) Except as provided for in this subsection, and notwithstanding any other law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action, including an application for a writ of habeas corpus, pending on or filed after the date of enactment of this Act, against the United States or its agents, brought by or on behalf of any alien detained by the United States as an unlawful enemy combatant, relating to any aspect of the alien's detention, transfer, treatment, or conditions of confinement:

''(1) COMBATANT STATUS REVIEW TRIBUNALS. The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any final decision of a Combatant Status

Review Tribunal. The scope of such review is defined in section 1005(e)(2) of the Detainee Treatment Act of 2005. If the Court grants a detainee's petition for review, the Department of Defense may conduct a new Combatant Status Review Tribunal.

''(2) MILITARY COMMISSIONS.—Review shall be had only of final judgments of military commissions as provided for pursuant to section 247 of the Military Commissions Act of 2006.

''(3) INFORMATION CONSIDERED.—The court may consider classified information submitted *in camera* and *ex parte* in making any determination under this section.''.

SEC. 6. SATISFACTION OF TREATY OBLIGATIONS.

(a) IN GENERAL.—Satisfaction of the prohibitions against cruel, inhuman, and degrading treatment set forth in Section 1003 of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 119 Stat. 2739; 42 U.S.C. 2000dd) shall fully satisfy United States obligations with respect to the standards for detention and treatment established by section 1 of common Article 3 of the Geneva Conventions, with the exception of the obligations imposed by subsections 1 (b) and 1 (d) of such Article.

(b) RIGHTS NOT JUDICIALLY ENFORCEABLE.—

(1) IN GENERAL. No person in any habeas action or any other action may invoke the Geneva Conventions or any protocols thereto as a source of rights; whether directly or indirectly, for any purpose in any court of the United States or its States or territories.

(2) CONSTRUCTION.—Paragraph (1) may not be construed to affect the obligations of the United States under the Geneva Conventions.

(c) GENEVA CONVENTIONS DEFINED. In this section, the term ''Geneva Conventions'' means the international conventions signed at Geneva on August 12, 1949, including common Article 3.

SEC. 7. WAR CRIMES ACT AMENDMENT.

Section 2441 of title 18, United States Code is amended by replacing subsection (c)(3) with the following:

''(3) which constitutes any of the following serious violations of common Article 3 of the international conventions signed at Geneva 12 August 1949, when committed in the context of and in association with an armed conflict not of an international character—

''(1) TORTURE.—Any person who commits, or conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be guilty of a violation of this subsection. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. §2340(2).

''(2) CRUEL OR INHUMAN TREATMENT.—Any person who commits, or conspires or attempts to commit, an act intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including severe physical abuse, upon another person within his custody or physical control shall be guilty of a violation of this subsection. 'Severe mental pain or suffering' has the meaning provided in 18 U.S.C. §2340(2).

''(3) PERFORMING BIOLOGICAL EXPERIMENTS.—Any person who subjects, or conspires or attempts to subject, one or more persons within his custody or physical control to biological experiments without a legitimate medical purpose and in so doing endangers the body or health of such person or persons shall be guilty of a violation of this subsection

''(4) MURDER.—Any person who intentionally kills, or conspires or attempts to kill, or kills whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in the hostilities, including those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

''(5) MUTILATION OR MAIMING.—Any person who intentionally injures, or conspires or attempts to injure, or injures whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in the hostilities, including those placed *hors de combat* by sickness, wounds, detention, or any other cause, by disfiguring the person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of his body, without any legitimate medical or dental purpose, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

''(6) INTENTIONALLY CAUSING GREAT SUFFERING OR SERIOUS INJURY.—Any person who intentionally causes, or conspires or attempts to cause, serious, bodily injury to one or more persons taking no active part in the hostilities, including those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall be guilty of a violation of this subsection. The intent required for this offense precludes its applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack. 'Serious bodily injury' has the meaning provided in 18 U.S.C. §113(b)(2).

''(7) RAPE.—Any person who forcibly or with coercion or threat of force wrongfully invades, or conspires or attempts to invade, the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused or with any foreign object shall be guilty of a violation of this subsection.

''(8) SEXUAL ASSAULT OR ABUSE.—Any person who forcibly or with coercion or threat of force engages, or conspires or attempts to engage, in sexual contact with one or more persons, or causes, or conspires or attempts to cause, one or more persons to engage in sexual contact, shall be guilty of a violation of this subsection. For purposes of this offense, 'sexual contact' has the meaning provided in 18 U.S.C. §2246(3).

''(9) TAKING HOSTAGES.—Any person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be guilty of a violation of this subsection. Any person who attempts to engage or conspires to engage in this offense shall also be guilty under this subsection.''.

SEC. 8. CONFORMING AMENDMENTS.

(a) Section 1004(b) of the Detainee Treatment Act of 2005 (10 U.S.C. §801 note). is amended to conform with this Act as follows—

(1) by replacing ''may provide'' with ''shall provide''; and

(2) by adding ''or investigation'' after ''criminal prosecution''; and

(3) by adding ''whether before United States courts or agencies, foreign courts or agencies, or international courts or agencies,'' after ''described in that subsection'';

(b) Section 1005 of the Detainee Treatment Act of 2005 (10 U.S.C. §801 note) is amended to conform with this Act as follows—

(1) by striking subsection (e)(3)(B) and renumbering subsections (e)(3)(C) and (e)(3)(D) as subsections (e)(3)(B) and (e)(3)(C), respectively; and

(2) in subsection (e)(3)(A), by striking ''pursuant to Military Commission Order No. 1, August 31, 2005 (or any successor military order)'' and inserting ''by a military commission under chapter 47a of title 10''; and

(3) in former subsection (e)(3)(C)(i), by striking ''pursuant to the military order'' and inserting ''by a military commission''; and

(4) in former subsection (e)(3)(C)(ii), by striking ''pursuant to such military order'' and inserting ''by such a military commission''; and

(5) in former subsection (e)(3)(D)(i) by striking ''specified in the military order'' and inserting ''specified for a military commission''; and

(6) and in former subsection (e)(3)(C)(i), by striking ''at Guantanamo Bay, Cuba''; and

(7) in former subsection (e)(2)(b)(i) by replacing ''the Department of Defense at Guantanamo Bay, Cuba'' with ''United States''.

(c) Section 802 of title 10, United States Code, is amended to conform with this Act by adding, ''(a)(13) Lawful enemy combatants who violate the law of war.''

(d) Section 821 of title 10, United States Code, is amended to conform with this Act by striking the phrase ''by statute or the law of war''.

(e) Section 836 of title 10, United States Code, is amended to conform with this Act as follows—in subsection (a), by replacing ''military commissions and other military tribunals'' with ''and other military tribunals (excluding military commissions)''.

SEC. 9. RETROACTIVE APPLICATION.

This Act shall take effect on the date of the enactment of this Act and shall apply retroactively, including to any aspect of the detention, treatment, or trial of any person detained at any time since September 11, 2001, and to any claim or cause of action pending on or after the date of the enactment of this Act.

SEC. 10. SEVERABILITY.

If any provision of this Act, or the application of a provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provisions to any other person or circumstance, shall not be affected thereby.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Ms. STABENOW, and Mr. OBAMA):

S. 3863. A bill to amend part A of title IV of the Social Security Act to require a State to promote economic and financial education under the Temporary Assistance for Needy Families (TANF) Program and to allow economic and financial education to count as work activity under that program; to the Committee on Finance.

Mr. AKAKA. Mr. President, today, I am introducing the TANF Economic and Financial Education Promotion Act of 2006, with my colleagues Senators LAUTENBERG, STABENOW, and OBAMA. I appreciate the work of our former colleague, Senator Corzine, for initiating this important financial and economic literacy bill, of which I had been an original cosponsor. This bill is a product of revisions suggested by the

Jump$tart Coalition for Personal Financial Literacy and the American Savings and Education Council, as well as consultation with other community groups such as the National Association of Securities Dealers and National Council on Economic Education.

As noted in the bill's findings, high levels of personal debt and bankruptcy filings combined with a negative personal savings rate in 2005 have put more and more individuals on the edge of financial insolvency. Individuals who are already living with less-than-ideal financial circumstances—such as most Temporary Assistance for Needy Families, TANF, recipients and others who are not financially self-sufficient and live outside the financial mainstream—apply to predatory lenders for short-term loans with comparatively high interest rates or fees, or are able to save little or nothing for emergencies or future events. A lack of basic consumer finance education, including lack of familiarity with how a checking or savings account works, has been cited as a major reason millions of Americans do not set up mainstream accounts and, thus, put themselves into greater financial peril.

Economic and financial education can help individuals and families meet short-term obligations and maximize their well-being in the long-term, particularly in populations traditionally underserved by mainstream financial systems. Such education can provide access to the tools needed to create household budgets, initiate savings plans, and build assets, as well as keep vulnerable individuals from unknowingly entering or being forced into financially devastating credit arrangements. Core goals of economic and financial literacy activities complement TANF's aims to reduce welfare dependency, helping people achieve self-sufficiency.

For families transitioning from welfare into work, challenges continue to abound, including obtaining child care and transportation. Another challenge that is often overlooked, however, is the difficulty of transitioning from a benefits- to a wage-based income. Financial and economic literacy programs that educate families through this transition about taxes and tax benefits that they may be eligible for, such as the Dependent Care Tax Credit and the Earned Income Tax Credit, can help to ensure that they have access to these important work benefits.

The bill we are introducing today would tackle this problem for a targeted group of Americans by making economic and financial education an allowable use of federal TANF funds and a qualified work activity under the law. The bill would also require States, through collaborations with local banks, community-based organizations, business entities, and members of the Federal Financial Literacy and Education Commission, to promote financial education in their state TANF plans. States must ensure that such activities are accessible to the target population by way of appropriately-geared curriculum, provide relevant and practical information to participants, include a direct delivery component, and, to the extent practicable, work with an asset building program conducted in that state. This bill aims to make a big difference for one of our country's most vulnerable populations and provide them access to tools that can allow them to stand on their own feet, for themselves and their families.

I thank my cosponsors for joining me in introducing this bill, and I urge other colleagues to support this meaningful legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3863

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 ''TANF Economic and Financial Education Promotion Act of 2006''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Most recipients of assistance under the Temporary Assistance for Needy Families (TANF) Program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and individuals moving toward self-sufficiency operate outside the financial mainstream, paying high costs to handle their finances and saving little for emergencies or the future.

(2) Personal debt levels and bankruptcy filing rates are high and savings rates are at their lowest levels in 70 years. In 2005, the savings rate was negative. The inability of many households to budget, save, and invest prevents them from laying the foundation for a secure financial future.

(3) Financial planning can help families meet near-term obligations and maximize their longer-term well being, especially valuable for populations that have traditionally been underserved by our financial system.

(4) Economic and financial education can give individuals the necessary financial tools to create household budgets, initiate savings plans, and acquire assets.

(5) Economic and financial education can prevent vulnerable customers from becoming entangled in financially devastating credit arrangements.

(6) Economic and financial education that addresses abusive lending practices targeted at specific neighborhoods or vulnerable segments of the population can prevent unaffordable payments, equity stripping, and foreclosure.

(7) Economic and financial education speaks to the broader purpose of the TANF Program to equip individuals with the tools to succeed and support themselves and their families in self-sufficiency.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To promote economic and financial literacy among individuals receiving assistance under Temporary Assistance for Needy Families programs funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) by permitting States to include economic and financial literacy education that is provided directly to individuals as a work activity under such programs.

(2) To provide individuals receiving assistance under Temporary Assistance for Needy Families programs funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) with the skills and knowledge needed to effectively address personal financial matters and to make financial choices that will lead such individuals toward becoming financially self-sufficient.

SEC. 3. REQUIREMENT TO PROMOTE ECONOMIC AND FINANCIAL EDUCATION UNDER TANF.

(a) STATE PLAN REQUIREMENT.—Section 402(a)(1)(A) of the Social Security Act (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following new clause:

''(vii) Establish goals and take action to promote economic and financial education in accordance with a program established under section 404(l) among parents and caretakers receiving assistance under the program through collaboration with community-based organizations, financial institutions, business entities, the Financial Literacy and Education Commission established under section 513 of the Fair and Accurate Credit Transactions Act of 2003 (20 U.S.C. 9702) and departments and agencies that are members of such Commission, including the Department of Agriculture, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System.''.

(b) PROGRAM REQUIREMENTS.—Section 404 of the Social Security Act (42 U.S.C. 604) is amended by adding at the end the following new subsection:

''(l) ECONOMIC AND FINANCIAL EDUCATION.—

''(1) IN GENERAL.—Subject to the succeeding paragraphs of this subsection, a State to which a grant is made under section 403—

''(A) shall use the grant or State funds that are qualified State expenditures (as defined in section 409(a)(7)(B)(i)) to establish a program to provide economic and financial education directly for parents and caretakers receiving assistance under the State program funded under this part; and

''(B) may count a parent's or caretaker's hours of participation in such program as being engaged in work for purposes of determining monthly participation rates under section 407(b)(1)(B)(i).

''(2) REQUIREMENTS.—A State shall ensure that the economic and financial literacy activities conducted under the program established under this subsection—

''(A) are accessible to the target population through curriculum geared to the general literacy level of the participants;

''(B) provide relevant and practical information to participants;

''(C) include a direct delivery component; and

''(D) to the extent practicable, are conducted in conjunction with an asset building program conducted in the State.

''(3) COLLABORATION WITH NONGOVERNMENTAL OR NONPROFIT ORGANIZATIONS ENCOURAGED.—In carrying out economic and financial education activities under a program established under this subsection, a State is encouraged to collaborate with nongovernmental or nonprofit organizations with a proven record of educating the public, especially at-risk populations, regarding economic and financial literacy.

''(4) EVALUATION.—A State shall conduct an evaluation of the economic and financial literacy program established under this subsection not less than once every 3 years for the purpose of—

''(A) monitoring the number of parents and caretakers served under the program;

''(B) improving program administration;

''(C) facilitating replication and expansion of best practices;

''(D) assessing behavioral changes of participants; and

''(E) assessing asset accumulation of participants.

''(5) DEFINITION OF ECONOMIC AND FINANCIAL EDUCATION.—In this subsection, the term 'economic and financial education' means education that—

''(A) promotes an understanding of consumer, economic, and personal finance concepts, including basic economic concepts such as supply and demand and opportunity cost, as well as basic financial literacy concepts such as budgeting and money management, saving, retirement planning, maintaining good credit, and the avoidance of predatory lending and financial abuse schemes; and

''(B) is based on recognized standards for economic and financial education.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph(2), the amendments made by this section take effect on October 1, 2006.

(2) EXCEPTION.—In the case of a State plan under part A of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the effective date of the amendments imposing the additional requirements shall be 3 months after the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

By Mr. MARTINEZ (for himself and Mr. CORNYN):

S. 3864. A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to improve supplemental educational services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. MARTINEZ. Mr. President, today I rise to discuss a topic that will always have incredible meaning to American families: educating our children. We all want what is best for our children, and we all want to make sure that we provide them with the tools that they need to succeed in tomorrow's workforce.

While there are many different components to our education system here in America, today I want to concentrate on a particular point of concern, an area where, with some improvement, can be a key tool ensuring that our children are meeting their educational goals.

Today, along with Senator JOHN CORNYN of Texas, I rise to introduce the Raising Achievement through Improving Supplemental Education Act of 2006—or the RAISE Act for short.

The RAISE Act seeks to improve the Supplemental Educational Services, SES, program and clears the way for this program to become well-known, widely available, and easily accessible to eligible students.

It seeks to broaden eligibility requirements and prioritization of the program, and to target all low-performing students regardless of income status.

Let me take a step back and talk about the Supplemental Education Service program, or SES program, for those who might not be familiar with it.

SES was implemented as part of No Child Left Behind and designed to be an innovative tool to help meet the academic needs of low-income students attending continuously failing schools.

The No Child Left Behind Act requires school districts to utilize 20 percent of their Federal funds for after-school tutoring programs at consistently failing schools.

Under this program, low-income parents can choose free private tutoring from the provider of their choice. School districts then use their 20 percent allocation to pay the providers for their tutoring services. Any part of these funds that are not used for tutoring can be transferred into other district programs.

By providing direct tutoring after school, the SES program can help students who are behind catch up with their peers. This in turn also improves the overall school performance.

While the intent of the SES program has been pure, there have been numerous shortfalls nationwide—these shortfalls have much to do with a lack of implementation which the RAISE Act would seek to correct.

For example, in the 2003–2004 school year, only 17 percent of the eligible 1.4 million students participated in SES programs. That means that hundreds of thousands of children are not being provided with tutoring help where funding has already been set aside for that purpose.

Some parents reported that they did not sign up because they lacked the transportation to get their students to the providers, the providers were not tutoring on-site at the schools. Also, there were some conflicts with other, better established after-school programs.

States have reported that many school districts with low turnout have failed to communicate with parents or implement the program in a way that ensures its success. The reports further indicate that some of the districts have openly undermined the program in letters to parents.

In my own State of Florida for instance, one county sent a letter home to parents this past April about the SES services that would be provided for the current school year that sent quite a mixed signal.

The letter stated that although parents might be able to secure SES program assistance for their children, the district believed that the funds could be better spent elsewhere and went as far to, quote unquote, ''strongly urge parents'' not to utilize their SES and school choice options under No Child Left Behind.

So, what we are seeing is that with all the good intentions behind the SES program, we are having some problems with implementation.

In Florida, we have already implemented SES improvements. As a result, Florida will see a higher SES program success rate, stronger guidelines, and better State oversight.

Many of the provisions of the RAISE Act are modeled after the successes already occurring in my home State.

In our school districts where SES programs are thriving, good communication with both parents and providers has been emphasized, as well as access to on-site tutoring at school facilities.

One prominent Florida-based example is the SES program in Marion County, located in central Florida. Schools there have utilized all their funds to maximize student enrollment, which also increases the program's chances of greater overall success.

Other good examples of SES program progress include Escambia County, Florida, where the city of Pensacola is located—to best utilize their SES dollars, they hosted a successful summer tutoring program.

School Districts in the Palm Beach and Miami-Dade areas have SES programs that bode well on a national level for the strong parental outreach efforts they have instituted, which enable all eligible students the ability to enroll in SES.

In Hillsborough County, FL—where Tampa is located—their success with SES enrollment brought the U.S. Department of Education to grant the district a special provision, whereby they can provide SES tutoring in addition to the private providers that most of the money is allocated for.

This will allow Hillsborough County to make SES available to more students, and I look forward to seeing what their efforts bring.

The RAISE Act will help make possible nationwide the kind of SES program success we have experienced in Florida. This success will come about because of stricter implementation standards and program overview.

Another important component of the RAISE Act is eligibility for SES. Currently, SES targets low-income, low-performing students.

I think we should be targeting all low-performing students, regardless of income status.

By overlooking many middle-class families who do not have the money to put their children into private tutoring or after-school programs, many of those children are falling through the cracks.

This bill is meant to ensure that all of our low-performing students have an opportunity to succeed academically.

We are going to help out those in need such as Ms. Carla Garcia of Gibsonton, FL—a part of Hillsborough County. She is a single mother struggling to provide her family with the basics.

She does not qualify for the low-income programs at her school, so her

son is not currently eligible for SES services even though he is falling behind academically.

Ms. Garcia strongly believes that if her son was able to receive tutoring under SES, he would be better able to excel and perform at grade level.

Under the RAISE Act, Ms. Garcia would be able to receive SES services for her son—as would many other parents for their children—because my bill would make SES tutoring available to all students who are struggling to meet grade level proficiency.

The RAISE Act aims to make sure that every child in the school yard has an equal opportunity at scholastic growth and advancement.

So, to summarize: The RAISE Act will require better parental notification of eligibility and program availability; we streamline the application and registration process; and we level the playing field—making school facilities as available for tutoring as they are for other after-school activities.

The RAISE Act will broaden eligibility requirements and prioritization. Right now SES targets low-income, low-performing students; I think we ought to target all low-performing students, regardless of income status.

In Florida, we have already implemented SES improvements. As a result, Florida's SES program has stronger guidelines and better State oversight. Many of the provisions of the RAISE Act are modeled after the successes already occurring in the state of Florida.

The RAISE Act will provide the guidance and tools states and school districts need to increase participation and produce results. Stronger coordination, communication, and guidance will make SES programs more effective.

The RAISE Act will help raise the success of all students, in turn raising the academic achievement of our schools. The Act was developed in consultation with school administrators, state education officials, and non-profit and research groups. This is a nationwide imperative and I urge my colleagues to support this innovative set of reforms.

Let us continue to make improvements to the success that is No Child Left Behind, by providing the necessary funding, regulation, and implementation of Supplemental Educational Services across this great land.

Together, we can make the RAISE Act a reality and improve the academic lives of countless American schoolchildren.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3864

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 ''Raising Achievement through Improving Supplemental Education Act of 2006'' or the ''RAISE Act''.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. SUPPLEMENTAL EDUCATIONAL SERVICES AFTER THE FIRST YEAR OF IDENTIFICATION FOR SCHOOL IMPROVEMENT.

Section 1116 (20 U.S.C. 6316) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by adding at the end the following:

''(G) SUPPLEMENTAL EDUCATIONAL SERVICES.—In the case of a school identified for school improvement under this paragraph, the local educational agency shall make supplemental educational services available consistent with subsection (e)(1).''; and

(B) in paragraph (5)(B), by inserting ''continue to'' after ''shall''; and

(2) in subsection (e)(1), by inserting ''(1),'' after ''in paragraph''.

SEC. 4. PRIORITIZING FUNDS.

Section 1116(b)(10)(C) (20 U.S.C. 6316(b)(10)(C)) is amended—

(1) by striking ''FUNDS.—If'' and inserting ''FUNDS.—

''(i) PRIORITY.—Subject to clause (ii), if'';

(2) by striking ''local educational agency shall give priority'' and all that follows through the period at the end and inserting ''local educational agency shall give priority—

''(I) first, to eligible children who are low-income and low-performing, as described in clauses (i) and (ii) of subsection (e)(13)(A);

''(II) second, to low-performing eligible children; and

''(III) third, to low-income eligible children.''; and

(3) by adding at the end the following:

''(ii) DOCUMENTATION.—A local educational agency may only prioritize in accordance with clause (i) after the local educational agency makes available to the State educational agency documentation providing clear and convincing evidence that the funds available to provide supplemental educational services under subsection (e) are insufficient to meet the actual demand by parents of eligible children for the services, as demonstrated by satisfying the requirements of paragraph (2).''.

SEC. 5. LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.

Section 1116(e)(2) (20 U.S.C. 6316(e)(2)) is amended—

(1) in subparagraph (A), by striking ''at a minimum, annual'' and inserting ''at a minimum, at the times specified under subparagraph (B)(i),'';

(2) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (E), (F), and (H), respectively;

(3) by inserting after subparagraph (A) the following:

''(B) establish a streamlined opportunity for eligible children to acquire supplemental educational services under this subsection, which shall include—

''(i) notifying eligible children served by the local educational agency and their parents of the child's eligibility for supplemental educational services—

''(I) not later than 30 days after the local educational agency obtains data from the State educational agency indicating that the school serving the child is identified for school improvement under section 1116(b)(1);

''(II) not later than 30 days after the first day of classes at the school for a school year; and

''(III) not later than 30 days before requesting the reallocation of unused funds reserved for supplemental educational services under subsection (b)(10)(A);

''(ii) holding not less than 2 opportunities for parents of eligible children to register and select a provider simultaneously through the one-step process described in subparagraph (C); and

''(iii) using, as the application for supplemental educational services under this section, the State application developed under paragraph (4)(F);

''(C) create a streamlined, one-step parent registration and provider selection process that—

''(i) does not place an undue burden on parents that may result in the decreased participation of eligible children in supplemental educational services under this subsection;

''(ii) provides notice to the parents of the process for receiving supplemental educational services under this subsection;

''(iii) obtains the parent's permission to release assessment data regarding the eligible child to the provider selected by the parent;

''(iv) is as simple as possible and is in the parent's native language, where possible; and

''(v) provides each provider with the names and contact information of the eligible children whose parents have selected the provider for such services in a timely manner;

''(D) make every effort, in carrying out the duties of the local educational agency under this paragraph—

''(i) to increase the participation of eligible children in supplemental educational services under this subsection; and

''(ii) to fully utilize the funds available under subsection (b)(10)(A)(ii) for providing such services to eligible children;'';

(4) in subparagraph (F) (as redesignated by paragraph (2)), by striking ''; and'' and inserting '', based on the priorities described in subsection (b)(10)(C)(i);''; and

(5) by inserting after subparagraph (F) (as redesignated by paragraph (2)) the following:

''(G) provide approved providers with access to school facilities on the same basis as other after-school and extra-curricular programs (including programs operated or overseen by the local educational agency) seeking access to the school facility; and''.

SEC. 6. PROVIDER AND LEA AGREEMENT.

Section 1116(e)(3) (20 U.S.C. 6316(e)(3)) is amended—

(1) by redesignating subparagraphs (A) through (E) as subparagraphs (B) through (F), respectively;

(2) in the matter preceding subparagraph (B) (as redesignated by paragraph (1)), by striking ''In the case'' and all that follows through ''Such agreement shall—'' and inserting ''In the case of an approved provider selected by a parent, the local educational agency shall enter into a written agreement with such provider, not later than 45 days after the first day of the school year or 45 days after the selection by the parent, whichever occurs later. Such agreement shall—

''(A) require that the provider be available to begin providing supplemental educational services under this subsection not later than 20 days after both parties receive the names and contact information described in paragraph (2)(C)(v);''; and

(3) in subparagraph (B) (as redesignated by paragraph (1))—

(A) by striking ''local educational agency'' and inserting ''provider''; and

(B) by striking ''the provider chosen by the parents'' and inserting ''the local educational agency''.

SEC. 7. STATE EDUCATIONAL AGENCY RESPONSIBILITIES.

Section 1116(e)(4) (20 U.S.C. 6316(e)(4)) is amended—

(1) in subparagraph (E)—

(A) by striking the period and inserting a semicolon; and

(B) by redesignating subparagraph (E) as subparagraph (F);

(2) in subparagraph (D)—

(A) by striking ''and'' after the semicolon; and

(B) by redesignating subparagraph (D) as subparagraph (G) and moving the subparagraph so that the subparagraph follows subparagraph (F) (as redesignated by paragraph (1)(B));

(3) by inserting after subparagraph (C) the following:

''(D) notify each local educational agency within the State that is required to provide supplemental educational services under this subsection for a school year not later than the June 1st preceding the commencement of the school year, or if the June 1st deadline is not possible, with as much advance notice before the first day of the school year as possible;

''(E) include on the State educational agency's Internet website a standard, downloadable application form for local educational agencies and parents to utilize in applying for and providing supplemental educational services under this subsection;''; and

(4) by adding at the end the following:

''(H) provide a valid and reliable evaluation of providers that—

''(i) is consistent with relevant, nationally-recognized professional and technical standards;

''(ii) records the gains of individual students by showing improvement attributable per hour of supplemental educational services instruction under this subsection (especially for students whose academic achievement level is several grades below grade level);

''(iii) isolates the effects of supplemental educational services under this subsection from other possible variables that might affect a student's academic achievement;

''(iv) coordinates the collection of qualitative data on parental satisfaction with the supplemental educational services of the provider under this subsection, and the reasons for such level of satisfaction; and

''(v) may exclude from the evaluation those students who attend less than 80 percent of the total hours of supplemental educational services scheduled for the student;

''(I) establish safeguards against potential conflicts of interest when a local educational agency applies to be, or becomes, a provider of supplemental educational services under this subsection, and provide monitoring and evaluation of the local educational agency's performance as a provider; and

''(J) prohibit local educational agencies from reprogramming any portion of the supplemental educational services funds described in subsection (b)(10)(A)(ii) for a fiscal year for other purposes, unless the local educational agency provides to the State educational agency clear and convincing evidence, as determined by the State educational agency, that—

''(i) the parents of all eligible children in schools served by the local educational agency have been notified in good faith of the availability of supplemental educational services under this subsection;

''(ii) the local educational agency is meeting all actual demand from parents for supplemental educational services under this subsection, as determined by whether the local educational agency has opened enrollment for supplemental educational services under this section, on a monthly basis, after the initial enrollment, to parents of all eligible children without restriction until all funds available to provide supplemental educational services under subsection (b)(10)(A)(ii) are expended; and

''(iii) the local educational agency is able to meet any likely future demand for supplemental educational services for the school year for which the determination is made.''.

SEC. 8. CRITERIA FOR PROVIDERS.

Section 1116(e)(5) (20 U.S.C. 6316(e)(5)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (B) the following:

''(C) Offer no incentives for the purpose of enticing eligible children or their parents to select the provider for supplemental educational services under this subsection.

''(D) Offer an incentive to an eligible child only if—

''(i) the purpose of the incentive is to encourage the eligible child's performance or attendance; and

''(ii) the value of the incentive is not more than 5 percent of the per-pupil amount for supplemental educational services described in paragraph (6)(A), as calculated for the local educational agency serving the student.''.

SEC. 9. SPECIAL RULE FOR INEFFECTIVE LEA'S.

Section 1116(e)(11) (20 U.S.C. 6316(e)(11)) is amended—

(1) by striking ''RULE.—If'' and inserting ''RULES.—

''(A) STATE EDUCATIONAL AGENCY ROLE.—If''; and

(2) by adding at the end the following:

''(B) LOCAL EDUCATIONAL AGENCY ROLE.—

''(i) IN GENERAL.—If a State educational agency determines that the local educational agency is not able, or is too unreliable, to carry out the local educational agency's responsibilities under paragraph (2), or if there is a conflict of interest due to the local educational agency becoming a provider, the State educational agency may, from amounts described in clause (ii), enter into a contract or cooperative agreement with a nonprofit organization to enable the nonprofit organization to carry out such responsibilities with respect to the eligible children served by the local educational agency.

''(ii) REALLOCATION OF FUNDS.—

''(I) IN GENERAL.—In order to carry out clause (i) with respect to a local educational agency, the State educational agency shall reserve and utilize, from the funds allocated to the local educational agency under subpart 2, an amount equal to fifteen percent of such funds.

''(II) ADMINISTRATIVE COSTS.—A total of not more than 5 percent of the reserved amount described in subclause (I) may be used for the administrative costs of the State educational agency and the nonprofit organization.

''(III) INTERACTION WITH RESERVED FUNDS.—In calculating the amount spent by a local educational agency for the purposes of subsection (b)(10), the amounts spent on behalf of a local educational agency under this subparagraph shall be included.''.

SEC. 10. DEFINITION OF ELIGIBLE CHILD.

Section 1116(e)(12)(A) (20 U.S.C. 6316(e)(12)(A)) is amended to read as follows:

''(A) the term 'eligible child' means a child—

''(i) from a low-income family, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1); or

''(ii) who is low-performing, as demonstrated by a score of below proficient in a required subject on the State student academic assessment, as described in section 1111(b)(3)(A), for the previous school year.''.

SEC. 11. COORDINATION OF SUPPLEMENTAL EDUCATIONAL SERVICES WITH AFTER-SCHOOL CARE.

Section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)) is further amended—

(1) by redesignating paragraph (12) (as amended by section 10) as paragraph (13); and

(2) by inserting after paragraph (11) the following:

''(12) COORDINATION WITH AFTER-SCHOOL PROGRAMS.—The Secretary shall develop, and provide guidance on the implementation of, a model program for coordinating the provision of supplemental educational services under this subsection with the 21st century learning centers assisted under part B of title IV.''.

By Mr. BAUCUS:

S. 3865. A bill to provide incentive for employers to hire service-connected disabled veterans and to improve adjustment assistance and job-training transition for injured and disabled veterans, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I wish to talk about one tribute we can make to the brave men and women who have put their lives on the line and returned home wounded. We need to ensure that those who have sacrificed for our country receive their due benefits. We need to see that they are taken care of when they return home.

As of July 2006, nearly 20,000 members of our Armed Forces have been wounded in action in Operation Iraqi Freedom and Operation Enduring Freedom. Many of these soldiers are now permanently disabled. Of these brave soldiers who have been wounded, nearly 5,000 are members of the National Guard and Reserves. Our National Guard and Reserves are carrying a huge burden in our current conflicts abroad.

Ninety-five percent of America's National Guard combat battalions and special operations have been mobilized since September 11, 2001.

Many of these wounded soldiers come from rural States such as my home State of Montana. In Montana, we have the highest proportion of veterans per capita of any State. According to the most recent census, veterans account for nearly one out of every six people in Montana. And veterans and families of veterans constitute a significant portion of the population in rural States throughout the country.

When not deployed, many National Guardsmen and reservists in my home State support their families with second and even third jobs. At any time, they can be deployed overseas, to our borders, or even to aid with national disasters such as hurricanes or forest fires. If they are injured or disabled, however, many become unable to perform the jobs they did before deployment. They will need to transition into

a new job or career. It is our duty to provide the proper means for soldiers to make that transition. It is our duty to help them to live as independent citizens. It seems that the opposite is true.

Since August 2002, the share of veterans collecting unemployment insurance has nearly doubled. During any given year, half a million veterans across the Nation experience homelessness. We are not providing enough resources for veterans looking for work. We are too often failing our injured and our disabled veterans.

Many seriously injured and disabled veterans simply do not know what they are going to do once they return home. We need to help these young men and women. That is why today I offer a special tribute.

Today I am introducing the Help Our Patriots Employment Act of 2006, and I call it the HOPE Act. The HOPE Act would provide a tax incentive to employers to hire service-connected disabled veterans, and the HOPE Act would increase funding for job training transition services for injured and disabled veterans.

The work opportunity and the welfare-to-work tax credits expired at the end of 2005. We all hope these credits can be extended soon. They have gone without extension for too long now. In addition, I introduced legislation that would permanently extend and improve upon the work opportunity and welfare-to-work tax credits.

My HOPE Act provides employers with a graduated tax credit equal to 25 percent of wages for disabled veterans working between 120 hours and 399 hours, and a 40-percent tax credit on wages for disabled veterans working more than 400 hours, on up to $12,000 in wages per employee. In addition to this tax credit for businesses, my bill would increase funding for the Veterans' Employment and Training Service Program, the VETS Program, under the Department of Labor.

In my home State of Montana, the VETS Program has two staff members to cover the entire State. Montana covers more than 145,000 square miles. It is simply not possible for this essential program to reach every veteran who needs career help—not with two people.

For many injured veterans, it will be a long journey simply to get back on their feet. My legislation will not address all their needs, but it will help. One thing is clear: This problem is not going away. It is getting worse. That is why we need to make sure we are doing everything we can to help injured and disabled veterans.

These heroes have given so much for our country—so much. They have sacrificed so much on the battlefield. They return to a life much different from the one they left. We need to ensure they are given the resources to transition and succeed in life when they return home.

Mr. President, let me close where I began. Let me honor those who have made the ultimate sacrifice for our country. I close by reading the names of those from Montana who have died fighting for our country since September 11:

PVT Krostofor Stonesifer, SGT Michael Bews, LT Edward Saltz, PVT Owen Witt, LTC Benjamin Watson, CPL Dean Pratt, CPL Kane Funke, SGT Aaron Holleyman, CPL Nathan Wood, SGT Robbie McNary, CPL Bill Ellingham, CPL Josh Timmerman, SGT Jack Tankersly, CPL Steve Slavik, CPL Nicholas Bloem, LT Josh Hyland, SGT Travis Arndt, PVT Andrew Bedard, CPT Michael MacKinnon, CPL Raleigh Smith, and CPL Phillip Baucus.

May their memory be a blessing in the lives of all of our families. May our Nation never forget their sacrifice. And may we always honor those who have fought to defend our freedom.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Ms. STABENOW, Mr. SARBANES, and Mr. BAUCUS):

S. 3866. A bill to establish a grant program to enhance the economic and financial literacy of midlife and older Americans so as to enhance their retirement security and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, today, I am introducing the Education for Retirement Security Act of 2006, with my colleagues Senators LAUTENBERG, STABENOW, SARBANES and BAUCUS. I thank our former colleague, Senator Corzine, for initiating this important financial and economic literacy bill, of which I had been an original cosponsor. This bill is a product of revisions suggested by the Jump$tart Coalition for Personal Financial Literacy and the American Savings and Education Council, as well as consultation with other community groups such as the National Association of Securities Dealers and National Council on Economic Education.

Americans are not saving enough for retirement. Longer life spans, combined with low savings and high consumer debt, are putting many mid-life and older Americans on the path to entering retirement years with a lower quality of life, delaying their retirement to catch up with inadequate savings, or becoming a significant financial burden on their loved ones. In 2005, only 42 percent of workers or their spouses calculated the amount they needed to save for retirement a major decrease from 53 percent in 2000. Only about half of working Americans are covered by a pension plan.

Inadequacy of retirement nest eggs and other preparation for retirement will certainly impact the U.S. economy and government services, as we know that the number of older individuals in the U.S. is projected to more than double over the next 30 years, from 35 million to 75 million people. We will inevitably see serious increases in long-term care and other health costs.

Furthermore, individuals of questionable moral character are determined to erode older Americans' lifetime savings through fraud or aggressive marketing tactics selling unnecessary products or those with exorbitant and hidden fees. The Federal Trade Commission Identity Theft Data Clearinghouse reported that incidents of identity theft targeting individuals age 60 and older increase from 1,821 victims in 2000 to a startling 21,084 victims in 2004. More people in the U.S. should have basic competency in money management to avoid becoming victims of financial fraud and abuse.

The Education for Retirement Security Act is intended to address both the lagging savings rate and increases in fraud and abuse by establishing a grant program to arm midlife and older individuals with critical information and knowledge. It would do this by authorizing a grant program similar in structure to one which has proven successful in the Excellence in Economic Education Act, which awards a grant to a national entity that provides subgrants to community organizations to carry out programs that enhance economic, financial, and retirement literacy, and reduce financial abuse and fraud among the target population. The national entity would evaluate subgrantees on the performance and effectiveness of their programs, identify best practices and programs for replication, and assess any behavioral change, including asset accumulation, made by program participants. The bill would also create a national training and technical assistance grant program toward creating and making available instructional materials and information promoting economic and financial education, and providing training and other related assistance to subgrantees.

Economic and financial education can lead individuals to avoid scams and bad decisions about investments, mortgages, and pension plans, and ensure that they have access to tools they need to make sound financial decisions and prepare adequately for retirement. The limited timeframe that midlife and older Americans have in which to assess the realities of their individual circumstances, recover from bad economic choices, and benefit from more informed financial practices, makes critical the type of education that this bill would support.

I thank my cosponsors for joining me in introducing this bill, and I urge other colleagues to support this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3866

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 ''Education for Retirement Security Act of 2006''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Improving economic and financial literacy is a critical and complex task for Americans of all ages.

(2) Low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement.

(3) Historically, Americans are living longer than ever before. However, most Americans are retiring before the age of 65.

(4) Research suggests that many Americans are not prepared to plan for their retirement and may have to work far longer than they expect in order to be financially secure in retirement.

(5) In 2005, only 42 percent of workers or their spouses calculated the amount they needed to save for retirement, down from 53 percent in 2000.

(6) Only 53 percent of working Americans have any form of pension coverage. Three out of 4 women aged 65 or older receive no income from employer-provided pensions.

(7) The limited timeframe that midlife and older individuals and families have to assess the realities of their individual circumstances, to recover from counterproductive choices and decisionmaking processes, and to benefit from more informed financial practices, has immediate impact and near-term consequences for Americans nearing or of retirement age.

(8) Research indicates that there are now 4 basic sources of retirement income security. Those sources are social security benefits, pensions and savings, healthcare insurance coverage, and, for an increasing number of older individuals, necessary earnings from working during one's retirement years.

(9) Over the next 30 years, the number of older individuals in the United States is expected to double, from 35,000,000 to nearly 75,000,000, and long-term care costs are expected to skyrocket.

(10) Financial exploitation is the largest single category of abuse against older individuals and this population comprises more than ½ of all telemarketing victims in the United States.

(11) The Federal Trade Commission (FTC) Identity Theft Data Clearinghouse has reported that incidents of identity theft targeting individuals older than the age of 60 increased from 1,821 victims in 2000 to 21,084 victims in 2004, an increase of more than 11 times in number.

SEC. 3. DEFINITIONS.

In this Act:

(1) ALASKA NATIVE CORPORATION.—The term ''Alaska Native Corporation'' has the same meaning as the term ''Native Corporation'' under section 3 of the Alaska Native Claim Settlement Act (43 U.S.C. 1602).

(2) ECONOMIC AND FINANCIAL EDUCATION.—The term ''economic and financial education'' means education that—

(A) promotes an understanding of consumer, economic, and personal finance concepts, including—

(i) basic economic concepts such as supply and demand and opportunity cost; and

(ii) basic financial literacy concepts such as the importance of budgeting and money management, saving, retirement planning, and maintaining good credit;

(B) includes information regarding predatory lending and financial abuse schemes; and

(C) is based on recognized economic and financial education standards.

(3) ELIGIBLE AREA ENTITY.—The term ''eligible area entity'' means an entity that is—

(A) a State agency, area agency on aging, Indian tribal organization, Alaska Native Corporation, or Native Hawaiian organization;

(B) a nonprofit organization with a proven record of providing—

(i) services to midlife and older individuals;

(ii) consumer awareness programs; or

(iii) supportive services to low-income families; or

(C) a partnership comprised of 2 or more entities described in subparagraph (A) or (B).

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means a national organization with substantial experience in the field of economic and financial education.

(5) MIDLIFE.—The term ''midlife'', when used with respect to an individual, means an individual aged 45 to 64 years.

(6) NATIVE HAWAIIAN ORGANIZATION.—The term ''Native Hawaiian organization'' means any organization that—

(A) serves and represents the interests of Native Hawaiians; and

(B) has as a primary and stated purpose the provision of services to Native Hawaiians.

(7) OLDER.—The term ''older'', when used with respect to an individual, means an individual aged 65 or older.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 4. PURPOSE AND GOALS.

(a) PURPOSE.—The purpose of this Act is to promote economic and financial literacy among midlife and older individuals, and to reduce financial abuse and fraud among such individuals, through providing assistance to organizations for economic and financial education programs.

(b) GOALS.—The goals of this Act are—

(1) to increase the knowledge of economic and financial literacy among midlife and older individuals to enable the individuals to make informed financial decisions; and

(2) to reduce the amount of financial abuse and fraud among midlife and older individuals.

SEC. 5. GRANT PROGRAM TO ENHANCE ECONOMIC, FINANCIAL, AND RETIREMENT LITERACY AND REDUCE FINANCIAL ABUSE AND FRAUD AMONG MIDLIFE AND OLDER AMERICANS.

(a) PROGRAM AUTHORIZED.—From amounts appropriated under section 8, the Secretary is authorized to award a grant to a national entity to enable the national entity to carry out the subgrant program for economic and financial education under section 6.

(b) APPLICATION.—A national entity desiring a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including a plan for continuing to carry out the program under this section after the grant expires.

(c) LIMITATION ON ADMINISTRATIVE COSTS.—A national entity receiving a grant under this section may not use more than 5 percent of the total amount of the grant for each fiscal year for the administrative costs of carrying out the program under this section.

(d) EVALUATION.—The Secretary shall evaluate the programs that receive grant funds under this section in order to judge the performance of such programs.

(e) REPORT.—For each fiscal year for which grants are awarded under this section, the Secretary shall prepare and submit to Congress a report on the program under this section, which report shall include information from the evaluation under subsection (d) and the evaluations under section 6(e).

SEC. 6. SUBGRANT PROGRAM TO ENHANCE ECONOMIC, FINANCIAL, AND RETIREMENT LITERACY AND REDUCE FINANCIAL ABUSE AND FRAUD AMONG MIDLIFE AND OLDER AMERICANS.

(a) SUBGRANTS AUTHORIZED.—A national entity that receives a grant under section 5 shall use grant funds to award subgrants to eligible area entities to enable the eligible area entities to deliver economic and financial education programs to midlife and older individuals who reside in local communities, in order to—

(1) enhance financial and retirement knowledge among such individuals; and

(2) reduce financial abuse and fraud, including telemarketing, mortgage, and pension fraud, and identity theft among such individuals.

(b) APPLICATION.—An eligible area entity desiring a subgrant under this section shall submit an application to the national entity awarding the subgrants at such time, in such form, and containing such information as the national entity may require, including a plan for continuing the programs assisted with subgrant funds under this section after the subgrant expires.

(c) AWARD BASIS.—In awarding subgrants under this section, a national entity shall—

(1) give special consideration to eligible area entities that are partnerships described in section 3(3)(C); and

(2) give priority to programs previously funded by a subgrant under this section that the Secretary judges effective under the evaluation described in subsection (e)(2)(A).

(d) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible area entity receiving a subgrant under this section may not use more than 5 percent of the total amount of the subgrant in each fiscal year for the administrative costs of carrying out the program under this section.

(e) EVALUATION AND REPORT.—

(1) ESTABLISHMENT OF PERFORMANCE MEASURES.—A national entity awarding subgrants under this section shall develop measures to evaluate the programs that receive subgrant funds.

(2) EVALUATION ACCORDING TO PERFORMANCE MEASURES.—Applying the performance measures developed under paragraph (1), a national entity awarding subgrants under this section shall evaluate the programs that receive subgrant funds in order to—

(A) judge the performance and effectiveness of such programs;

(B) identify which programs represent the best practices of entities developing such programs for midlife and older individuals;

(C) identify which programs may be replicated; and

(D) assess any behavioral change, as well as asset accumulation, made by program participants.

(3) SUBMISSION TO CONGRESS.—For each fiscal year for which a national entity awards subgrants under this section, the national entity shall submit to the Secretary a report containing—

(A) a description of the status of the subgrant program under this section;

(B) a description of the programs provided with subgrant funds under this section; and

(C) the results of the evaluation of such programs under paragraph (2).

SEC. 7. NATIONAL TRAINING AND TECHNICAL ASSISTANCE PROGRAM.

(a) AUTHORITY.—The Secretary is authorized to award a grant to 1 or more eligible entities to—

(1) create and make available instructional materials and information that promote economic and financial education; and

(2) provide training and other related assistance regarding the establishment of economic and financial education programs to

eligible area entities awarded a subgrant under section 6.

(b) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

(c) BASIS AND TERM.—The Secretary shall award a grant under this section on a competitive, merit basis for a term of 3 years.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act, $100,000,000 for each of the fiscal years 2007 through 2010.

(b) LIMITATION ON FUNDS FOR EVALUATION AND REPORT.—The Secretary may not use more than $500,000 of the amounts appropriated under subsection (a) for each fiscal year to carry out section 6(e).

(c) LIMITATION ON FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may not use less than 5 percent or more than 10 percent of the amounts appropriated under subsection (a) for each fiscal year to carry out section 7.

By Mr. BOND (for himself and Mr. TALENT):

S. 3867. A bill to designate the Federal courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the ''Rush H. Limbaugh, Sr., Federal Courthouse''; to the Committee on Environment and Public Works.

Mr. BOND. Mr. President, I rise today to introduce legislation designating the new Federal Courthouse in Cape Girardeau, MO, as the Rush H. Limbaugh, Sr., Federal Courthouse.

When people talk about the American Dream, the ''Spirit of America'' and the people who helped make this country great, all one really has to do is mention the name of the late Rush Hudson Limbaugh, Sr.

Mr. Limbaugh led an extraordinary life in which he practiced law for almost 80 years until his death at age 104 in 1996. At the time of his death, Mr. Limbaugh was the Nation's oldest practicing lawyer and still came into work about twice a week at the law firm he founded over 50 years before in Cape Girardeau, MO.

Known by his peers as a superb trial lawyer with impeccable character and integrity, he was a beloved icon of the Missouri legal community, especially in southeast Missouri where he lived all his life.

Born in 1891, on a small farm in rural Bollinger County, he was the youngest of eight children and attended school in a one room primary school house. It is said that a passion for the law first developed in Rush as a 10-year-old boy when a Daniel Webster oration that he memorized inspired him to become a lawyer. Fourteen years later, he began a legal career that lasted eight decades. Throughout those 80 years, his interest in the law and his dedication to his clients never wavered.

Rush paid his way through college at the University of Missouri at Columbia by working on the university farm and doing odd jobs such as carpentry, firing up furnaces, caring for animals and waiting tables. While in college, his oratory skills won him awards which he later utilized with great success in the courtroom.

In 1914, he entered law school, and after two years, he skipped the third year and passed the Missouri Bar examination. In 1916, he was admitted into the Missouri Bar and his long distinguished legal career began in Cape Girardeau.

Over his career, Rush argued more than 60 cases in front of the Missouri Supreme Court along with many prominent civil cases. He was a specialist in probate law and helped draft the 1955 Probate Code of Missouri. He also tried cases before the Interstate Commerce Commission, the U.S. Labor Board and the Internal Revenue Appellate Division.

From 1955 through 1956, he was president of the Missouri Bar and later served as president of the State Historical Society of Missouri. In addition to this, Mr. Limbaugh was a leading member of numerous legal and civic organizations including the American Bar Association, the Missouri Bar Foundation, the Missouri Human Rights Commission, the Cape Girardeau Board of Education and the Salvation Army Advisory Board

However, Rush's contributions were not just limited to Missouri. In the late 1950s, Rush served as a U.S. State Department special envoy to India where he promoted American jurisprudence and constitutional government among lawyers, judges and university students in that newly formed country. And in the 1960s, he served as chairman of the American Bar Association's special committee on the Bill of Rights.

Rush was truly an inspiration and mentor to many aspiring lawyers, especially the ones in his own family. His two sons, Rush, Jr., and Steven, both practiced law with him for many years. His son, Steven N. Limbaugh, currently serves as a Senior Federal Judge in St. Louis. Four of his grandsons followed in his footsteps and pursued legal careers including his grandson Steven, Jr., who is now a Missouri Supreme Court Justice.

Perhaps the best measure of Rush Hudson Limbaugh's legacy as a lawyer and as a human being comes from the praise and admiration of his peers in the legal community. ''A top notch allaround lawyer; the epitome of what a lawyer ought to be,'' said one colleague. ''A legend in his time,'' said another.

However, his grandson Steven may have offered the best possible description of this great citizen: ''He was an extraordinary man, exemplary in every way, yet very humble. He was a lawyer's lawyer, a community servant and a gentle and kind man whose family was the very center of his life.''

It is only fitting that the new Federal courthouse in Cape Girardeau, MO, be named after this great hero of American Jurisprudence.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 3867

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

SECTION 1. RUSH H. LIMBAUGH, SR., FEDERAL COURTHOUSE.

(a) DESIGNATION.—The Federal courthouse located at 555 Independence Street, Cape Girardeau, Missouri, shall be known and designated as the ''Rush H. Limbaugh, Sr., Federal Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal courthouse referred to in subsection (a) shall be deemed to be a reference to the Rush H. Limbaugh, Sr., Federal Courthouse.

By Mr. INHOFE:

S. 3868. A bill to amend the Clean Air Act to encourage the most polluted areas in the United States to attain clean air standards; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I ask unanimous consent that the Clean Air Attainment Enforcement Act be printed in the RECORD.

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

S. 3868

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 ''Clean Air Attainment Enforcement Act''.

SEC. 2. IMPOSITION OF SANCTIONS.

Section 179 of the Clean Air Act (42 U.S.C. 7509) is amended—

(1) in subsection (a), by striking ''For any implementation'' and inserting ''Except as provided in subsection (e), for any implementation''; and

(2) by adding at the end the following:

''(e) SANCTIONS FOR COVERED AREAS.—

''(1) DEFINITION OF COVERED AREA.—In this subsection, the term 'covered area' means any area that is classified as—

''(A) a $PM_{2.5}$ nonattainment area under—

''(i) the final rule entitled 'Air Quality Designations and Classifications for the Fine Particles ($PM_{2.5}$) National Ambient Air Quality Standards' (70 Fed. Reg. 944 (January 5, 2005)); or

''(ii) any final nonattainment designation promulgated pursuant to the final version of the proposed rule entitled 'National Ambient Air Quality Standards for Particulate Matter, Part II' (71 Fed. Reg. 2620 (January 17, 2006)); and

''(B) a Serious, Severe, or Extreme Area for ozone nonattainment under the final rule entitled 'Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas With Deferred Effective Dates' (69 Fed. Reg. 23858 (April 30, 2004)).

''(2) SANCTIONS APPLICABLE TO COVERED AREAS.—If a State in which a covered area is located does not submit an implementation plan in accordance with, or otherwise fails to comply with, subsection (a)—

''(A) the Administrator shall not have the discretion to select whether sanctions under paragraph (1) or (2) of subsection (b) will be imposed on the covered area; and

''(B) the Administrator shall impose on the covered area the highway and emission offset sanctions described in paragraphs (1) and (2),

respectively, of subsection (b), except that, with respect to the emission offset requirements described in subsection (b)(2), the ratio of emission reductions to increased emissions applicable to the covered area shall be 5 to 1.''.

SEC. 3. ENFORCEMENT FOR SELECT AREAS FOR FAILURE TO ATTAIN.

(a) OZONE.—Section 185 of the Clean Air Act (42 U.S.C. 7511d) is amended—

(1) by striking the section designation and heading and inserting the following:

''SEC. 185. ENFORCEMENT FOR SELECT AREAS FOR FAILURE TO ATTAIN.'';

(2) in the first sentence of subsection (a), by striking ''Each implementation'' and inserting ''Except as provided in subsection (f), each implementation''; and

(3) by adding at the end the following:

''(f) OZONE ATTAINMENT IN COVERED AREAS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ATTAINMENT YEAR.—The term 'attainment year', with respect to a covered area, means the calendar year during which the covered area is required to attain the standard for ozone described in the final rule.

''(B) BASELINE QUANTITY.—The term 'baseline quantity' means, for any attainment year, the lesser of—

''(i) the quantity of actual VOC or NO_X emissions of a stationary source; or

''(ii)(I) the quantity of VOC or NO_X emissions allowed under a permit applicable to a stationary source; or

''(II) if no such permit has been issued for the attainment year, the quantity of those emissions allowed under the applicable State implementation plan during the attainment year.

''(C) COVERED AREA.—The term 'covered area' has the meaning given the term in section 179(e).

''(D) FINAL RULE.—The term 'final rule' means the final rule entitled 'Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas With Deferred Effective Dates' (69 Fed. Reg. 23858 (April 30, 2004)).

''(2) IMPLEMENTATION PLAN REVISION.—

''(A) IN GENERAL.—Each implementation plan revision required under subsection (c), (d), or (e) of section 182 (relating to the attainment plans for Serious, Severe, and Extreme Areas, respectively) shall—

''(i) provide that, if the area to which the plan revision applies is a covered area, each major stationary source that emits VOCs or NO_x and that is located in the covered area shall pay to the Administrator a fee in an amount calculated under subparagraph (B) as a penalty for the failure to attain the standard for ozone by the applicable attainment date specified in the final rule; and

''(ii) include procedures for the assessment and collection of those fees.

''(B) AMOUNT OF FEE.—The amount of a fee paid under this subsection for each ton of VOCs or NO_X emitted by a major stationary source in a covered area in nonattainment during a calendar year in excess of 70 percent of the baseline quantity shall be (based on classifications of Serious, Severe, and Extreme Areas in effect as of December 31, 2006, and as adjusted annually in accordance with section 502(b)(3)(B)(v)) (relating to inflation adjustment)—

''(i) with respect to a ton of VOCs—

''(I) in a Serious Area, $10,000;

''(II) in a Severe Area, $20,000; and

''(III) in an Extreme Area, $30,000; and

''(ii) with respect to a ton of NO_x, $5,000, regardless of whether the NO_X is emitted in a Serious, Severe, or Extreme Area.

''(3) PENALTIES FOR FAILURE TO MAKE PROGRESS TOWARD ATTAINMENT IN COVERED AREAS.—

''(A) IN GENERAL.—Upon approval of a State implementation plan that covers a covered area, and annually thereafter until the applicable deadline by which the covered area is required to achieve attainment, as specified in section 181(a) and as updated by the final rule, the Administrator shall determine, in accordance with subparagraph (B), whether the covered area is making progress that is sufficient to enable the covered area to achieve attainment by that deadline.

''(B) DETERMINATION OF PROGRESS.—The Administrator shall not determine under subparagraph (A) that a covered area is making sufficient progress toward achieving attainment for any calendar year unless the Administrator determines, at a minimum, that the covered area has achieved a reduction in the aggregate quantity of VOCs or NO_X emitted in the covered area for the calendar year that is equal to or greater than the product obtained by multiplying—

''(i) the aggregate quantity, in tons, of the VOC or NO_X emission reductions, respectively, that are required, during the period beginning on the date of the determination by the Administrator and ending on the applicable date referred to in subparagraph (A), to achieve attainment; by

''(ii) the quotient obtained by dividing—

''(I) the number of months, rounded to the nearest month, between the date of submission of the State implementation plan applicable to the covered area and the date of the determination by the Administrator; by

''(II) the number of months, rounded to the nearest month, between the date of submission of that State implementation plan and the applicable attainment date referred to in subparagraph (A).

''(C) IMPOSITION OF PENALTIES.—If the Administrator determines under this paragraph that a covered area is not making sufficient progress to enable the covered area to achieve attainment by the applicable deadline referred to in subparagraph (A), the Administrator shall—

''(i) for the first calendar year for which the determination is made, impose on each major stationary source located in the covered area a penalty in an amount that is equal to 10 percent of the amount of the fee that, based on whether the major stationary source is located in a Serious, Severe, or Extreme Area, would be paid by the major stationary source under paragraph (2)(B) for failure to meet a national primary ambient air quality standard for ozone by the deadline referred to in subparagraph (A); and

''(ii) for each subsequent calendar year until the deadline referred to in subparagraph (A)—

''(I) reevaluate the progress being made by the covered area toward achieving attainment by the deadline referred to in subparagraph (A); and

''(II) if the Administrator determines that the covered area is not making sufficient progress, impose on each major stationary source located in the covered area a penalty in an amount that is equal to the sum of the penalty imposed on the same class (with respect to location in a Serious, Severe, or Extreme Area) of major stationary source under clause (i) and the product obtained by multiplying—

''(aa) 5 percent of the fee that, based on whether the major stationary source is located in a Serious, Severe, or Extreme Area, would be paid by the major stationary source under paragraph (2)(B) for failure to meet a national primary ambient air quality standard for ozone by the deadline referred to in subparagraph (A); and

''(bb) the number of calendar years for which the covered area has been previously determined not to have made sufficient progress under this paragraph as of the date of the determination by the Administrator (excluding the determination for the current calendar year).

''(D) SUSPENSION OF PENALTIES.—If the Administrator determines under this paragraph that a covered area that was determined not to be making sufficient progress toward attainment under this paragraph for a preceding calendar year is making sufficient progress toward attainment for the current calendar year, the Administrator shall suspend the imposition of penalties on major stationary sources located in the covered area for the current calendar year.''.

(b) PARTICULATE MATTER.—Section 188 of the Clean Air Act (42 U.S.C. 7513) is amended by adding at the end the following:

''(g) PARTICULATE MATTER ATTAINMENT IN COVERED AREAS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ATTAINMENT YEAR.—The term 'attainment year', with respect to a covered area, means the calendar year during which the covered area is required to attain the standard for $PM_{2.5}$ described in the final rules.

''(B) BASELINE QUANTITY.—The term 'baseline quantity' means, for any attainment year, the lesser of—

''(i) the quantity of actual $PM_{2.5}$ emissions of a stationary source; or

''(ii)(I) the quantity of $PM_{2.5}$ emissions allowed under a permit applicable to a stationary source; or

''(II) if no such permit has been issued for the attainment year, the quantity of those emissions allowed under the applicable State implementation plan during the attainment year.

''(C) COVERED AREA.—The term 'covered area' has the meaning given the term in section 179(e).

''(D) FINAL RULES.—The term 'final rules' means—

''(i) the final rule entitled 'Air Quality Designations and Classifications for the Fine Particles (PM2.5) National Ambient Air Quality Standards' (70 Fed. Reg. 944 (January 5, 2005)); and

''(ii) the final version of the proposed rule entitled 'National Ambient Air Quality Standards for Particulate Matter, Part II' (71 Fed. Reg. 2620 (January 17, 2006)).

''(E) $PM_{2.5}$.—The term '$PM_{2.5}$' means particulate matter the aerodynamic diameter of which is less than or equal to 2.5 micrometers.

''(2) IMPLEMENTATION PLAN REVISION.—

''(A) IN GENERAL.—Each implementation plan revision required under section 110 shall—

''(i) provide that, if the area to which the plan revision applies is a covered area, each major stationary source that emits $PM_{2.5}$ and that is located in the covered area shall pay to the Administrator a fee in an amount calculated under subparagraph (B) as a penalty for the failure to attain the standard for $PM_{2.5}$ in the final rules by the applicable attainment date specified in the final rules; and

''(ii) include procedures for the assessment and collection of those fees.

''(B) AMOUNT OF FEE.—The amount of a fee paid under this subsection for each ton of $PM_{2.5}$ emitted by a major stationary source in a covered area in nonattainment during a calendar year in excess of 70 percent of the baseline quantity shall be, as adjusted annually in accordance with section 502(b)(3)(B)(v) (relating to inflation adjustment), $50,000.

''(3) PENALTIES FOR FAILURE TO MAKE PROGRESS TOWARD ATTAINMENT IN COVERED AREAS.—

''(A) IN GENERAL.—Upon approval of a State implementation plan that covers a covered area, and annually thereafter until the applicable deadline by which the covered

area is required to achieve attainment, as specified in the final rules, the Administrator shall determine, in accordance with subparagraph (B), whether the covered area is making progress that is sufficient to enable the covered area to achieve attainment by that deadline.

''(B) DETERMINATION OF PROGRESS.—The Administrator shall not determine under subparagraph (A) that a covered area is making sufficient progress toward achieving attainment for any calendar year unless the Administrator determines, at a minimum, that the covered area has achieved a reduction in the aggregate quantity of $PM_{2.5}$ emitted in the covered area for the calendar year that is equal to or greater than the product obtained by multiplying—

''(i) the aggregate quantity, in tons, of the $PM_{2.5}$ emission reductions that are required, during the period beginning on the date of the determination by the Administrator and ending on the applicable date referred to in subparagraph (A), to achieve attainment; by

''(ii) the quotient obtained by dividing—

''(I) the number of months, rounded to the nearest month, between the date of submission of the State implementation plan applicable to the covered area and the date of the determination by the Administrator; by

''(II) the number of months, rounded to the nearest month, between the date of submission of that State implementation plan and the applicable attainment date referred to in subparagraph (A).

''(C) IMPOSITION OF PENALTIES.—If the Administrator determines under this paragraph that a covered area is not making sufficient progress to enable the covered area to achieve attainment by the applicable deadline referred to in subparagraph (A), the Administrator shall—

''(i) for the first calendar year for which the determination is made, impose on each major stationary source located in the covered area a penalty in an amount that is equal to 10 percent of the amount of the fee that would be paid by the major stationary source under paragraph (2)(B) for failure to meet a national primary ambient air quality standard for $PM_{2.5}$ by the deadline referred to in subparagraph (A); and

''(ii) for each subsequent calendar year until the deadline referred to in subparagraph (A)—

''(I) reevaluate the progress being made by the covered area toward achieving attainment by the deadline referred to in subparagraph (A); and

''(II) if the Administrator determines that the covered area is not making sufficient progress, impose on each major stationary source located in the covered area a penalty in an amount that is equal to the sum of the penalty imposed on the same class of major stationary source under clause (i) and the product obtained by multiplying—

''(aa) 5 percent of the fee that would be paid by the major stationary source under paragraph (2)(B) for failure to meet a national primary ambient air quality standard for $PM_{2.5}$ by the deadline referred to in subparagraph (A); and

''(bb) the number of calendar years for which the covered area has been previously determined not to have made sufficient progress under this paragraph as of the date of the determination by the Administrator (excluding the determination for the current calendar year).

''(D) SUSPENSION OF PENALTIES.—If the Administrator determines under this paragraph that a covered area that was determined not to be making sufficient progress toward attainment under this paragraph for a preceding calendar year is making sufficient progress toward attainment for the current calendar year, the Administrator shall suspend the imposition of penalties on major stationary sources located in the covered area for the current calendar year.''.

By Mrs. CLINTON:

S. 3869. A bill to improve the quality of, and access to, supplemental educational services in effort to increase student achievement; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation to help ensure students attending low-performing schools have access to high quality tutoring programs. If enacted, The Improving Quality of and Access to Supplemental Educational Services, the IQ Act, would ensure that supplemental educational services, free tutoring offered through the No Child Left Behind Act, NCLB, are effective in and accountable for increasing student academic achievement.

One of the many ways that NCLB aims to close the achievement gap is through the provision that allows low-income children attending poorly performing school to enroll in supplemental educational services, SES. These programs hold the promise of helping schools to increase student achievement by offering additional academic support for students in underperforming schools. Unfortunately, the scope of the impact of SES remains to be seen due to low student participation rates and lack of evaluation of supplemental educational services.

Improving the quality of and access to these programs should be a shared responsibility between the Department of Education, State and local educational agencies, as well as the SES providers themselves. By working together we can create tutoring programs that truly supplement the instruction that students receive during regular school hours and allow for more time to master the educational standards set by the state.

Unfortunately, few States have assessed SES providers on the basis of improving student achievement. A recent study by the GAO found that not a single State has produced a report that provides a conclusive assessment of providers' effect on student achievement. Without these State evaluations, students, parents and policymakers are blind as to which programs are effective in raising academic achievement and are therefore unable to replicate their success.

I strongly believe that if NCLB holds our teachers and schools accountable for increasing student achievement, then we must also hold SES providers to similar accountability standards. That is why The IQ Act requires States to use their current standardized test to evaluate provider performance. This legislation also provides States with additional funding to improve their data systems to manage these evaluations with no additional cost to the taxpayer.

Maximizing the full potential of SES will not only require consistent evaluation of provider performance to ensure quality, but also increasing the number of students participating in these services. Unfortunately, only 19 percent of eligible students participated in SES in the 2004–2005, an abysmally low turnout for programs that offer free after school tutoring. Many districts find challenges in providing services for students in rural schools and students with limited English proficiency or disabilities.

Although there are many other factors that determine why parents and students are not participating in these services, The IQ Act will provide additional opportunities for more students to participate in these tutoring programs that fit the needs of all children. This legislation requires districts to supply a choice of providers for students with limited English proficiency, students with disabilities, and students in rural districts. If enacted, this bill would help States and school districts build capacity to effectively implement supplemental educational services.

The Improving the Quality of and Access to Supplemental Educational Services Act is a positive step forward in providing more opportunities for students to participate in quality after school tutoring programs. I am hopeful that my Senate colleagues from both sides of the aisle will join me today to move this legislation to the floor without delay.

By Mr. LAUTENBERG (for himself, Mrs. CLINTON, Mr. HARKIN, Mr. MENENDEZ, Mr. REED, Mr. DURBIN, Mr. KENNEDY, and Mr. LEAHY):

S. 3872. A bill to prohibit cigarette manufacturers from making claims regarding tar or nicotine yield levels of cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, I rise to introduce and discuss my bill, the ''Truth in Cigarette Labeling Act.'' I wish to thank my colleagues, Senators CLINTON, HARKIN, MENENDEZ, REED, DURBIN, KENNEDY and LEAHY for co-sponsoring this important legislation.

My bill bans the tobacco industry from using deceptive cigarette marketing terms such as ''light'' and ''low tar'' to imply health benefits and it prohibits cigarette manufacturers from making any claims based on the cigarette testing method established by the Federal Trade Commission called the ''FTC Method,'' which measures tar and nicotine yields.

My legislation is consistent with the recent court ruling issued by U.S. District Judge Gladys Kessler. Kessler's ruling says cigarette manufacturers must stop labeling cigarettes as ''low tar'' or ''light'' or ''natural'' or with other ''deceptive brand descriptors which implicitly or explicitly convey to the smoker and potential smoker that they are less hazardous to health than full-flavor cigarettes.''

The tobacco companies are appealing that ruling, which will likely tie it up in the courts for a while. This makes it necessary for Congress to act now and pass my bill.

Many smokers switch to cigarette brands advertised as ''low tar'' or ''light'' out of concern for their health, believing that such cigarettes are less risky or a step toward quitting. These claims are based on the FTC tar ratings, which are now known to be inaccurate in assessing the behavior of actual smokers. Some 85 percent of all smokers today smoke these so-called safer cigarettes.

FTC officials admit the agency's test is flawed. Former FTC Commissioner Timothy Muris testified at a Senate Commerce Committee hearing on June 11, 2003, that the tar rating system is ''broken.'' The FTC has also published a warning to consumers called ''Up In Smoke: The Truth About Tar and Nicotine Ratings.'' This alert concludes that ''cigarette tar and nicotine ratings can't predict the amount of tar and nicotine you get from any particular cigarette.'' It is absurd that the FTC permits a testing method that FTC officials admit is flawed.

According to the National Cancer Institute, cigarette tar and nicotine yields as measured by the FTC Method don't give smokers a meaningful measure with regard to how much tar and nicotine they are likely to inhale from smoking a cigarette, and that marketing cigarettes as delivering lower amounts of tar using the FTC Method is deceptive to consumers.

Not surprisingly, the tobacco companies have known since 1975 that this test doesn't work. The tobacco companies' internal documents show that people actually get more tar and the same amount of nicotine when they smoke light cigarettes than from smoking regular cigarettes. That's because smokers will inhale more deeply and/or frequently to draw out the nicotine they're addicted to.

So, the FTC, the National Cancer Institute and the tobacco companies all agree that the FTC testing method doesn't work.

And all the while, the tobacco companies have been taking advantage of this fact and using it to spike the nicotine yield in cigarettes and make them more addictive.

A recently released report by the Massachusetts Department of Public Health shows that from 1998 through 2004 cigarette manufacturers increased the amount of addictive nicotine delivered to the average smoker by 10 percent. Of 179 cigarette brands tested in 2004, an astonishing 166 brands fell into the State's highest nicotine yield range, including 59 brands that the manufacturers had labeled ''light'' and 14 described as ''ultra-light.''

The increase in nicotine levels went unnoticed because the standard government test—the flawed FTC Method—uses a smoking machine that fails to mimic real-life smoking behavior. A manufacturer, for example, can design a cigarette that will score low in nicotine delivery to the machine by placing tiny ventilation holes in the filter to dilute the smoke. But in real life, a smoker will often cover the vents with his or her lips or fingers, thereby inhaling a higher dose of nicotine.

Everyone knows nicotine is a highly addictive drug. For tobacco companies to spike the amount nicotine at a time when States and the Federal Government are creating public health campaigns to curb smoking is absolutely deplorable.

I used to smoke—a lot. Fortunately, my daughter, when she was a young girl, convinced me to quit. She said, ''Daddy, they told me at school that if you smoke, they will have to put a black box in your throat. I don't want you to get a black box in your throat.''

From that day forward I quit.

Across America, smokers—men, women, and kids—have their own reasons for quitting. I know it's tough to quit. But I want Americans to be healthy.

''Big Tobacco'' doesn't. They make their money off an addictive product that kills people. They have known for decades that their product is lethal. They need our kids sick and addicted to make a dime.

When I came to the Senate, I was determined to do everything I could to protect Americans—especially our youth—from the dangers of tobacco. I'm proud to say that my work on tobacco control started long before it became a mainstream issue.

I've been protecting Americans from Big Tobacco's lies since 1987, when I wrote the bill that banned smoking on planes. In 1989, I wrote the requirement that all federally-funded programs for children provide a smoke-free environment.

Those laws changed our culture. Today, we'll try and change it again. I urge my colleagues to support my legislation and stop cigarette manufacturers from lying to the public.

My legislation can help America's smokers kick the habit by putting out more of big tobacco's big lies. Tobacco-related illnesses kill over 400,000 Americans every year. My bill can help save America $89 billion a year in health care costs. Most important, it can save people's lives.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3872

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 ''Truth in Cigarette Labeling Act of 2006''.

SEC. 2. PROHIBITION ON CLAIMS REGARDING TAR OR NICOTINE YIELD LEVELS OF CIGARETTES.

(a) FINDINGS.—Congress finds the following:

(1) Cigarette manufacturers (through use of words, graphics, and color) have sold, distributed, and falsely marketed brands of cigarettes to consumers as ''light'', ''low-tar'', ''ultra light'', ''mild'', ''natural'', and ''low-nicotine'' cigarettes, implying that the cigarettes are less harmful than other brands of cigarettes.

(2) The National Cancer Institute has found that many smokers mistakenly believe that cigarettes with the labels described in paragraph (1) cause fewer health problems than other cigarettes, and this belief misleads smokers who may choose these cigarettes as an alternative to not smoking.

(3) The Federal Trade Commission has concluded that ''cigarette tar and nicotine ratings cannot predict the amount of tar and nicotine [a person] get[s] from any particular cigarette.''.

(4) Recent studies have demonstrated that there has been no reduction in risk on a population-wide basis from the cigarettes described in paragraph (1), and such cigarettes may actually increase the risk of tobacco use.

(5) The dangers of marketing one brand of cigarettes as less harmful than another brand of cigarettes when in fact there are no reduced risks, is a compelling reason for the Government to ensure statements, claims, or other representations about cigarettes are truthful and not deceptive.

(b) DEFINITIONS.—In this section:

(1) HEALTH DESCRIPTOR.—The term ''health descriptor'' includes the words ''light'', ''low'', ''low tar'', ''ultralight'', ''mild'', ''natural'', or any other word, or any graphic or color, which reasonably could be expected to result in a consumer believing that smoking such brand may result in a lower risk of disease or be less hazardous to health than smoking another brand of cigarette.

(2) BRAND.—The term ''brand'' means a variety of tobacco product distinguished by the type of tobacco used, tar content, nicotine content, the flavoring used, size, filtration, packaging, logo, registered trademark or brand name, identifiable pattern of colors, or any combination thereof.

(3) CIGARETTE.—The term ''cigarette'' has the meaning given such term in section 3(1) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332(1)), but also includes tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.

(4) ROLL-YOUR-OWN TOBACCO.—The term ''roll-your-own tobacco'' means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

(c) PROHIBITION ON USE OF HEALTH DESCRIPTORS AND FEDERAL TRADE COMMISSION TESTING METHOD.—

(1) IN GENERAL.—Notwithstanding any other provision of law, effective 120 days after the date of the enactment of this Act, a cigarette manufacturer may not use a health descriptor on the label or the advertising of any brand of cigarette.

(2) PROHIBITION ON USE OF FEDERAL TRADE COMMISSION TESTING METHOD.—Notwithstanding any other provision of law, effective 120 days after the date of the enactment of this Act, a cigarette manufacturer may not make any claims or any other representations based on data derived from the cigarette testing method established by the Federal Trade Commission in effect on the day before the date of the enactment of this Act.

(3) ENFORCEMENT.—

(A) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of the prohibition described in paragraphs (1) or (2) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(B) ACTIONS BY THE COMMISSION.—The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

By Mr. INHOFE:

S. 3873. A bill to protect private property rights; read the first time.

Mr. INHOFE: Mr. President, Alexander Hamilton declared:

> The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sun beam in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by moral power.

I believe, and I speak on behalf of the people of Oklahoma, in the right to own private property, and I believe in the right to enjoy it and not be harassed, especially by the government.

There are three issues that the Private Property Protection Act of 2006 that I am introducing today addresses: it protects the right to own and enjoy private property, one of our Government's core purposes; it directly confronts the Supreme Court's decision in Kelo v. City of New London, Connecticut, which allows local governments to take private property for economic reasons, by forcing the Court to reign in its incessant judicial activism and return to the true intent of the fifth amendment; it limits government intervention into the private market.

However, my bill does not attempt to encroach on a State's right to conduct business and levy taxes; it simply makes clear that the National Government will not fund these blatant abuses of private property. There is no violation of State sovereignty.

The Constitution is not really an allocation of Government-determined rights to the people as much as it is a limitation on the Government from interfering with our inherent rights. The presumption is that people are ''endowed by their Creator with certain unalienable rights'' and that the Government's fundamental role is to protect those rights.

Sometimes a person's rights do have to be limited in order to protect the rights of everyone else. But there must be a strong reason to restrict or limit those rights, and even when this is done, the rights are still there, they do not just disappear.

Ask any elementary school child what the main reason for the Revolutionary War was and they will probably respond, ''Taxation without Representation!'' Consider the spirit of the Declaration of Independence, and then see what is going on with eminent domain today. It does not go together. I can only imagine what the Founding Fathers and colonists would think if they read the Supreme Court's Kelo decision. There is a huge rift in the intention of eminent domain at our Nation's founding and today. Taking away rights, especially property rights, is a serious matter, but what is worse, thanks to Kelo, is that a city can now seize a person's land solely for financial gain.

In Kelo, the Supreme Court gave the legal mandate that the ''broad reading'' of the takings clause of the fifth amendment includes taking from one private citizen and giving it to another as long as the city claims an economic benefit. Changing the definition of the fifth amendment to mean ''more tax dollars for the city,'' is not only incongruous, it is outrageous.

This philosophy comes out of a socialistic presumption that all property really belongs to the State, that the State is the true landlord, and that people are allowed to use the land until the State gets a better offer. The Supreme Court is opening up the gate of opportunity to these cities essentially saying: ''Hey, if you need money, just condemn some property . . . bulldoze the houses and sell the land to a giant retail store or factory that will generate lots of tax dollars.''

Once again, the courts have taken the Constitution and twisted it, actively and willfully pursuing their own radical and elitist policy, usurping the will of the people, and their elected representatives. The Supreme Court's Kelo decision is the pinnacle of a mutation of its takings clause jurisprudence, and essentially extends a government's condemnation power to include taking private property and giving it to another private party who will raise revenue for a city or town.

Justice Thomas, in his dissent, quoted renowned legal scholar William Blackstone whose ''Commentaries on the Laws of England'' eloquently described the authority of the law at the time the fifth amendment was drafted: ''The law of the land . . . postpone[s] even public necessity to the sacred and inviolable rights of private property.'' Justice Thomas continued, agreeing with Justice Sandra Day O'Connor's well-stated warning taken from her dissenting opinion:

> If such ''economic development'' takings are for a ''public use,'' any taking is, and the Court has erased the Public Use Clause from our Constitution.

Justice O'Connor also explained that historically, the ''Government may compel an individual to forfeit her property for the public's use, but not for the benefit of another private person. This requirement promotes fairness as well as security.''

Professor Bradley Jacob, a constitutional law professor at Regent University School of Law, is gravely concerned by the Court's decision in Kelo. He observed:

> What the Court ruled in Kelo is not consistent with the Constitution, it is not consistent with the Declaration of Independence, and it is not consistent with the principles of liberty that underlie free Republican government. It was valid only in the eyes of those who accept the idea that the Supreme Court is our national super-legislature, imposing its views of wise social policy on an unwilling nation.

The Court calls this kind of taking ''economic development.'' I call it robbery and wealth redistribution. If the cities are suffering from failed economies because of poor decisionmaking, inefficient zoning, and financial irresponsibility, that is unfortunate; however, unchecked eiminent domain power is not the answer.

According to economic greats, such as Adam Smith and John Locke, there are two types of property: private and public. Property is private when others are prevented from using or benefiting from it. It is exclusive to the owner. He or she is entitled to the fruits it bears. Examples of this are homes, farms, and stores. Conversely, public property is property that is opened up and common to the public, from which all have equal access to its fruits, and equal access to use it and benefit from it. Examples of this are roads, power lines, and waterways.

The fifth amendment recognizes the Government's power to take private property when necessary, and open it up to the public, for true public use. The idea of interpreting the fifth amendment in a ''broad'' manner to allow, and thus, encourage taking private property from one and giving it to another private owner is foreign and hostile to the principles that make this nation great.

I believe that economic development belongs to the private market. Condemnation power for economic development will have devastating and paralyzing effects on the market. This is extreme artificial interference in the market that will only encourage more irresponsible decisionmaking by cities.

When a private citizen steals a person's private property, the victim has a cause of action against the culprit to try to right the wrong and the State has an interest in prosecuting that wrong as well, as stealing is against the law. But what is so dangerous here is that it is the State that is facilitating the wrong. My bill will ensure a private cause of action for the citizen whose property is taken away from him or her by the State for economic development.

Recognition and protections of the right to own private property is the driving force of our Nation and the fuel of the free market. The Government should be the staunchest defender of private property, not the thief that steals it. My legislation will prevent States that allow their cities or other municipal bodies to carry out this type of eminent domain, that is, the kind based solely on economic development, from receiving Federal economic development funds. I simply do not think that we should be funding economic development for those States that are

willing to steal private property from their citizens.

As Alexis de Tocqueville predicted, the unique private property rights in America would set it apart from and above the nations of the world, mainly by facilitating a thriving, land-owning middle class, the backbone of a successful free market. The Kelo decision is a crippling blow to our middle class, and our Constitutional Republic as a whole, and must be dealt with immediately.

I ask my colleagues in this body to stand with me and protect the private property rights of Americans across this great land. We owe it to the citizens of our States; we owe it to the Constitution and our liberty.

By Mr. REID (for himself and Mr. DURBIN):

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

S. 3875

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 ''Real Security Act of 2006''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

DIVISION A—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

DIVISION B—COMBATTING TERRORISM

DIVISION C—INTELLIGENCE AUTHORIZATIONS

DIVISION D—TRANSPORTATION SECURITY

DIVISION E—A NEW DIRECTION IN IRAQ

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

Sec. 101. Short title.
Sec. 102. Definition of 9/11 Commission.

TITLE I—HOMELAND SECURITY, EMERGENCY PREPAREDNESS AND RESPONSE

Subtitle A—Emergency Preparedness and Response

CHAPTER 1—EMERGENCY PREPAREDNESS

Sec. 101. Adequate radio spectrum for first responders.
Sec. 102. Report on establishing a unified incident command system.
Sec. 103. Report on completing a national critical infrastructure risk and vulnerabilities assessment.
Sec. 104. Private sector preparedness.
Sec. 105. Relevant congressional committees defined.

CHAPTER 2—ASSISTANCE FOR FIRST RESPONDERS

Sec. 111. Short title.
Sec. 112. Findings.
Sec. 113. Faster and Smarter Funding for First Responders.
Sec. 114. Superseded provision.
Sec. 115. Oversight.
Sec. 116. GAO report on an inventory and status of Homeland Security first responder training.
Sec. 117. Removal of civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.

Subtitle B—Transportation Security

Sec. 121. Report on national strategy for transportation security.
Sec. 122. Report on airline passenger prescreening.
Sec. 123. Report on detection of explosives at airline screening checkpoints.
Sec. 124. Report on comprehensive screening program.
Sec. 125. Relevant congressional committees defined.

Subtitle C—Border Security

Sec. 131. Counterterrorist travel intelligence.
Sec. 132. Comprehensive screening system.
Sec. 133. Biometric entry and exit data system.
Sec. 134. International collaboration on border and document security.
Sec. 135. Standardization of secure identification.
Sec. 136. Security enhancements for social security cards.

Subtitle D—Homeland Security Appropriations

Sec. 141. Homeland security appropriations.

TITLE II—REFORMING THE INSTITUTIONS OF GOVERNMENT

Subtitle A—Intelligence Community

Sec. 201. Report on director of national intelligence.
Sec. 202. Report on national counterterrorism center.
Sec. 203. Report on creation of a Federal Bureau of Investigation national security workforce.
Sec. 204. Report on new missions for the Director of the Central Intelligence Agency.
Sec. 205. Report on incentives for information sharing.
Sec. 206. Report on Presidential leadership of national security institutions in the information revolution.
Sec. 207. Homeland airspace defense.
Sec. 208. Semiannual report on plans and strategies of United States Northern Command for defense of the United States homeland.
Sec. 209. Relevant congressional committees defined.

Subtitle B—Civil Liberties and Executive Power

Sec. 211. Report on the balance between security and civil liberties.
Sec. 212. Privacy and Civil Liberties Oversight Board.
Sec. 213. Set privacy guidelines for Government sharing of personal information.
Sec. 214. Relevant congressional committees defined.

Subtitle C—Intelligence Oversight Reform in the Senate

Sec. 231. Subcommittee related to intelligence oversight.
Sec. 232. Subcommittee related to intelligence appropriations.
Sec. 233. Effective date.

Subtitle D—Standardize Security Clearances

Sec. 241. Standardization of security clearances.

TITLE III—FOREIGN POLICY, PUBLIC DIPLOMACY, AND NONPROLIFERATION

Subtitle A—Foreign Policy

Sec. 301. Actions to ensure a long-term commitment to Afghanistan.
Sec. 302. Actions to support Pakistan against extremists.
Sec. 303. Actions to support reform in Saudi Arabia.
Sec. 304. Elimination of terrorist sanctuaries.
Sec. 305. Comprehensive coalition strategy against Islamist terrorism.
Sec. 306. Standards for the detention and humane treatment of captured terrorists.
Sec. 307. Use of economic policies to combat terrorism.
Sec. 308. Actions to ensure vigorous efforts against terrorist financing.

Subtitle B—Public Diplomacy

Sec. 311. Public diplomacy responsibilities of the Department of State and public diplomacy training of members of the Foreign Service.
Sec. 312. International broadcasting.
Sec. 313. Expansion of United States scholarship, exchange, and library programs in the Islamic world.
Sec. 314. International Youth Opportunity Fund.

Subtitle C—Nonproliferation

Sec. 321. Short title.
Sec. 322. Findings.
Sec. 323. Establishment of Office of Nonproliferation Programs in the Executive Office of the President.
Sec. 324. Removal of restrictions on Cooperative Threat Reduction programs.
Sec. 325. Removal of restrictions on Department of Energy nonproliferation programs.
Sec. 326. Modifications of authority to use Cooperative Threat Reduction program funds outside the former Soviet Union.
Sec. 327. Modifications of authority to use International Nuclear Materials Protection and Cooperation program funds outside the former Soviet Union.
Sec. 328. Special reports on adherence to arms control agreements and nonproliferation commitments.
Sec. 329. Presidential report on impediments to certain nonproliferation activities.
Sec. 330. Enhancement of Global Threat Reduction Initiative.
Sec. 331. Expansion of Proliferation Security Initiative.
Sec. 332. Sense of Congress relating to international security standards for nuclear weapons and materials.
Sec. 333. Authorization of appropriations relating to inventory of Russian tactical nuclear warheads and data exchanges.
Sec. 334. Report on accounting for and securing of Russia's non-strategic nuclear weapons.
Sec. 335. Research and development involving alternative use of weapons of mass destruction expertise.
Sec. 336. Strengthening the Nuclear Nonproliferation Treaty.
Sec. 337. Definitions.

DIVISION B—COMBATTING TERRORISM.

Sec. 1001. Short title.

TITLE XI—EFFECTIVELY TARGETING TERRORISTS

Sec. 1101. Sense of Congress on Special Operations forces and related matters.
Sec. 1102. Foreign language expertise.
Sec. 1103. Curtailing terrorist financing.
Sec. 1104. Prohibition on transactions with countries that support terrorism.

Sec. 1105. Comptroller General report on United Kingdom and United States anti-terrorism policies and practices.
Sec. 1106. Enhancement of intelligence community efforts to bring Osama bin Laden and other al Qaeda leaders to justice.

TITLE XII—PREVENTING THE GROWTH OF RADICAL ISLAMIC FUNDAMENTALISM

Subtitle A—Quality Educational Opportunities

Sec. 1201. Findings, policy, and definition.
Sec. 1202. Annual report to Congress.
Sec. 1203. Authorization of appropriations.

Subtitle B—Democracy and Development in the Muslim World

Sec. 1211. Promoting democracy and development in the Middle East, Central Asia, South Asia, and Southeast Asia.
Sec. 1212. Middle East Foundation.

Subtitle C—Restoring American Moral Leadership

Sec. 1221. Advancing United States interests through public diplomacy.
Sec. 1222. Department of State public diplomacy programs.
Sec. 1223. Treatment of detainees.
Sec. 1224. National Commission To Review Policy Regarding the Treatment of Detainees.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

Sec. 1231. Afghanistan.
Sec. 1232. Pakistan.
Sec. 1233. Saudi Arabia.

TITLE XIII—PROTECTION FROM TERRORIST ATTACKS THAT UTILIZE NUCLEAR, CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL WEAPONS

Subtitle A—Non-Proliferation Programs

Sec. 1301. Repeal of limitations to threat reduction assistance.
Sec. 1302. Russian tactical nuclear weapons.
Sec. 1303. Additional assistance to accelerate Non-Proliferation programs.
Sec. 1304. Additional assistance to the International Atomic Energy Agency.

Subtitle B—Border Protection

Sec. 1311. Findings.
Sec. 1312. Hiring and training of border security personnel.

Subtitle C—First Responders

Sec. 1321. Findings.
Sec. 1322. Restoration of justice assistance funding.
Sec. 1323. Providing reliable officers, technology, education, community prosecutors, and training in Our Neighborhood Initiative.

TITLE XIV—PROTECTING TAXPAYERS

Sec. 1401. Reports on metrics for measuring success in Global War on Terrorism.
Sec. 1402. Prohibition on war profiteering.

TITLE XV—OTHER MATTERS

Sec. 1501. Sense of Congress on military commissions for the trial of persons detained in the Global War on Terrorism.

DIVISION C—INTELLIGENCE AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—INTELLIGENCE ACTIVITIES

Sec. 2101. Authorization of appropriations.
Sec. 2102. Classified schedule of authorizations.
Sec. 2103. Incorporation of classified annex.
Sec. 2104. Personnel ceiling adjustments.
Sec. 2105. Intelligence Community Management Account.
Sec. 2106. Incorporation of reporting requirements.
Sec. 2107. Availability to public of certain intelligence funding information.
Sec. 2108. Response of intelligence community to requests from Congress for intelligence documents and information.

TITLE XXII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 2201. Authorization of appropriations.

TITLE XXIII—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 2301. Increase in employee compensation and benefits authorized by law.
Sec. 2302. Restriction on conduct of intelligence activities.
Sec. 2303. Clarification of definition of intelligence community under the National Security Act of 1947.
Sec. 2304. Improvement of notification of Congress regarding intelligence activities of the United States Government.
Sec. 2305. Delegation of authority for travel on common carriers for intelligence collection personnel.
Sec. 2306. Modification of availability of funds for different intelligence activities.
Sec. 2307. Additional limitation on availability of funds for intelligence and intelligence-related activities.
Sec. 2308. Increase in penalties for disclosure of undercover intelligence officers and agents.
Sec. 2309. Retention and use of amounts paid as debts to elements of the intelligence community.
Sec. 2310. Pilot program on disclosure of records under the Privacy Act relating to certain intelligence activities.
Sec. 2311. Extension to intelligence community of authority to delete information about receipt and disposition of foreign gifts and decorations.
Sec. 2312. Availability of funds for travel and transportation of personal effects, household goods, and automobiles.
Sec. 2313. Director of National Intelligence report on compliance with the Detainee Treatment Act of 2005.
Sec. 2314. Report on alleged clandestine detention facilities for individuals captured in the Global War on Terrorism.
Sec. 2315. Sense of Congress on electronic surveillance.

TITLE XXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 2401. Additional authorities of the Director of National Intelligence on intelligence information sharing.
Sec. 2402. Modification of limitation on delegation by the Director of National Intelligence of the protection of intelligence sources and methods.
Sec. 2403. Authority of the Director of National Intelligence to manage access to human intelligence information.
Sec. 2404. Additional administrative authority of the Director of National Intelligence.
Sec. 2405. Clarification of limitation on co-location of the Office of the Director of National Intelligence.
Sec. 2406. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.
Sec. 2407. Appointment and title of Chief Information Officer of the Intelligence Community.
Sec. 2408. Inspector General of the Intelligence Community.
Sec. 2409. Leadership and location of certain offices and officials.
Sec. 2410. National Space Intelligence Center.
Sec. 2411. Operational files in the Office of the Director of National Intelligence.
Sec. 2412. Eligibility for incentive awards of personnel assigned to the Office of the Director of National Intelligence.
Sec. 2413. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
Sec. 2414. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.
Sec. 2415. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
Sec. 2416. Applicability of the Privacy Act to the Director of National Intelligence and the Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

Sec. 2421. Director and Deputy Director of the Central Intelligence Agency.
Sec. 2422. Enhanced protection of Central Intelligence Agency intelligence sources and methods from unauthorized disclosure.
Sec. 2423. Additional exception to foreign language proficiency requirement for certain senior level positions in the Central Intelligence Agency.
Sec. 2424. Additional functions and authorities for protective personnel of the Central Intelligence Agency.
Sec. 2425. Director of National Intelligence report on retirement benefits for former employees of Air America.

Subtitle C—Defense Intelligence Components

Sec. 2431. Enhancements of National Security Agency training program.
Sec. 2432. Codification of authorities of National Security Agency protective personnel.
Sec. 2433. Inspector general matters.
Sec. 2434. Confirmation of appointment of heads of certain components of the intelligence community.
Sec. 2435. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.
Sec. 2436. Security clearances in the National Geospatial-Intelligence Agency.

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Sec. 2442. Authority to secure services by contract for the Bureau of Intelligence and Research of the Department of State.
Sec. 2443. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.
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Sec. 2504. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 2505. Technical amendment to the Central Intelligence Agency Act of 1949.
Sec. 2506. Technical amendments relating to the multiyear National Intelligence Program.
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Sec. 3102. Interagency operational command centers for port security.
Sec. 3103. Salvage response plan.
Sec. 3104. Vessel and facility security plans.
Sec. 3105. Assistance for foreign ports.
Sec. 3106. Port security grants.
Sec. 3107. Operation safe commerce.
Sec. 3108. Port security training program.
Sec. 3109. Port security exercise program.
Sec. 3110. Inspection of car ferries entering from Canada.
Sec. 3111. Deadline for transportation worker identification credential security cards.
Sec. 3112. Port security user fee study.
Sec. 3113. Unannounced inspections of maritime facilities.
Sec. 3114. Foreign port assessments.
Sec. 3115. Pilot program to improve the security of empty containers.
Sec. 3116. Domestic radiation detection and imaging.
Sec. 3117. Evaluation of the environmental health and safety impacts of nonintrusive inspection technology.
Sec. 3118. Authorization for customs and border protection personnel.
Sec. 3119. Strategic plan.
Sec. 3120. Resumption of trade.
Sec. 3121. Automated targeting system.
Sec. 3122. Container security initiative.
Sec. 3123. Customs-trade partnership against terrorism validation program.
Sec. 3124. Technical requirements for nonintrusive inspection equipment.
Sec. 3125. Random inspection of containers.
Sec. 3126. International trade data system.
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Sec. 3204. Fire and Life-Safety improvements.
Sec. 3205. Freight and passenger rail security upgrades.
Sec. 3206. Rail security research and development.
Sec. 3207. Oversight and grant procedures.
Sec. 3208. Amtrak plan to assist families of passengers involved in rail passenger accidents.
Sec. 3209. Northern border rail passenger report.
Sec. 3210. Rail worker security training program.
Sec. 3211. Whistleblower protection program.
Sec. 3212. High hazard material security threat mitigation plans.
Sec. 3213. Memorandum of agreement.
Sec. 3214. Rail security enhancements.
Sec. 3215. Public awareness.
Sec. 3216. Railroad high hazard material tracking.
Sec. 3217. Authorization of appropriations.
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Sec. 3301. Short title.
Sec. 3302. Findings.
Sec. 3303. Security assessments.
Sec. 3304. Security assistance grants.
Sec. 3305. Intelligence sharing.
Sec. 3306. Research, development, and demonstration grants.
Sec. 3307. Reporting requirements.
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TITLE XXXIV—AVIATION SECURITY
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Title XLII—Special Committee of Senate on War and Reconstruction Contracting
Sec. 4101. Findings.
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Sec. 4103. Purpose and duties.
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Sec. 4105. Rules and procedures.
Sec. 4106. Authority of Special Committee.
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Sec. 4108. Administrative provisions.
Sec. 4109. Termination.
Sec. 4110. Sense of Senate on certain claims regarding the Coalition Provisional Authority.

DIVISION I—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

SEC. 101. SHORT TITLE.

This division may be cited as the ''Ensuring Implementation of the 9/11 Commission Report Act''.

SEC. 102. DEFINITION OF 9/11 COMMISSION.

In this division, the term ''9/11 Commission'' means the National Commission on Terrorist Attacks Upon the United States.

TITLE I—HOMELAND SECURITY, EMERGENCY PREPAREDNESS AND RESPONSE

Subtitle A—Emergency Preparedness and Response

CHAPTER 1—EMERGENCY PREPAREDNESS

SEC. 101. ADEQUATE RADIO SPECTRUM FOR FIRST RESPONDERS.

(a) SHORT TITLE.—This chapter may be cited as the ''Homeland Emergency Response Operations Act'' or the ''HERO Act''.

(b) PREVENTION OF DELAY IN REASSIGNMENT OF 24 MEGAHERTZ FOR PUBLIC SAFETY PURPOSES.—Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended by adding at the end the following new subparagraph:

''(E) EXTENSIONS NOT PERMITTED FOR CHANNELS (63, 64, 68 AND 69) REASSIGNED FOR PUBLIC SAFETY SERVICES.—Notwithstanding subparagraph (B), the Commission shall not grant any extension under such subparagraph from the limitation of subparagraph (A) with respect to the frequencies assigned, pursuant to section 337(a)(1), for public safety services. The Commission shall take all actions necessary to complete assignment of the electromagnetic spectrum between 764 and 776 megahertz, inclusive, and between 794 and 806 megahertz, inclusive, for public safety services and to permit operations by public safety services on those frequencies commencing no later than January 1, 2007.''.

SEC. 102. REPORT ON ESTABLISHING A UNIFIED INCIDENT COMMAND SYSTEM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to establishing a unified incident command system. Such report shall include—

(1) a certification by the Secretary of Homeland Security that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of Homeland Security expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 103. REPORT ON COMPLETING A NATIONAL CRITICAL INFRASTRUCTURE RISK AND VULNERABILITIES ASSESSMENT.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the

Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to completing a national critical infrastructure risk and vulnerabilities assessment. Such report shall include—

(1) a certification by the Secretary of Homeland Security that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of Homeland Security expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 104. PRIVATE SECTOR PREPAREDNESS.

The Comptroller General of the United States shall submit to Congress by not later than 90 days after the date of the enactment of this Act—

(1) a determination of what has been done to enhance private sector preparedness for terrorist attack; and

(2) recommendations of any additional congressional action or administrative action that is necessary to enhance such preparedness.

SEC. 105. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this chapter, the term ''relevant congressional committees'' means the Committee on Homeland Security, the Committee on Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Government Affairs and the Committee on Environment and Public Works of the Senate.

CHAPTER 2—ASSISTANCE FOR FIRST RESPONDERS

SEC. 111. SHORT TITLE.

This chapter may be cited as the ''Faster and Smarter Funding for First Responders Act of 2006''.

SEC. 112. FINDINGS.

Congress makes the following findings:

(1) In order to achieve its objective of preventing, minimizing the damage from, and assisting in the recovery from terrorist attacks, the Department of Homeland Security must play a leading role in assisting communities to reach the level of preparedness they need to prevent and respond to a terrorist attack.

(2) First responder funding is not reaching the men and women of our Nation's first response teams quickly enough, and sometimes not at all.

(3) To reform the current bureaucratic process so that homeland security dollars reach the first responders who need it most, it is necessary to clarify and consolidate the authority and procedures of the Department of Homeland Security that support first responders.

(4) Ensuring adequate resources for the new national mission of homeland security, without degrading the ability to address effectively other types of major disasters and emergencies, requires a discrete and separate grant making process for homeland security funds for first response to terrorist acts, on the one hand, and for first responder programs designed to meet pre-September 11 priorities, on the other.

(5) While a discrete homeland security grant making process is necessary to ensure proper focus on the unique aspects of terrorism preparedness, it is essential that State and local strategies for utilizing such grants be integrated, to the greatest extent practicable, with existing State and local emergency management plans.

(6) Homeland security grants to first responders must be based on the best intelligence concerning the capabilities and intentions of our terrorist enemies, and that intelligence must be used to target resources to the Nation's greatest threats, vulnerabilities, and consequences.

(7) The Nation's first response capabilities will be improved by sharing resources, training, planning, personnel, and equipment among neighboring jurisdictions through mutual aid agreements and regional cooperation. Such regional cooperation should be supported, where appropriate, through direct grants from the Department of Homeland Security.

(8) An essential prerequisite to achieving the Nation's homeland security objectives for first responders is the establishment of well-defined national goals for terrorism preparedness. These goals should delineate the essential capabilities that every jurisdiction in the United States should possess or to which it should have access.

(9) A national determination of essential capabilities is needed to identify levels of State and local government terrorism preparedness, to determine the nature and extent of State and local first responder needs, to identify the human and financial resources required to fulfill them, to direct funding to meet those needs, and to measure preparedness levels on a national scale.

(10) To facilitate progress in achieving, maintaining, and enhancing essential capabilities for State and local first responders, the Department of Homeland Security should seek to allocate homeland security funding for first responders to meet nationwide needs.

(11) Private sector resources and citizen volunteers can perform critical functions in assisting in preventing and responding to terrorist attacks, and should be integrated into State and local planning efforts to ensure that their capabilities and roles are understood, so as to provide enhanced State and local operational capability and surge capacity.

(12) Public-private partnerships, such as the partnerships between the Business Executives for National Security and the States of New Jersey and Georgia, can be useful to identify and coordinate private sector support for State and local first responders. Such models should be expanded to cover all States and territories.

(13) An important aspect of terrorism preparedness is measurability, so that it is possible to determine how prepared a State or local government is now, and what additional steps it needs to take, in order to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism.

(14) The Department of Homeland Security should establish, publish, and regularly update national voluntary consensus standards for both equipment and training, in cooperation with both public and private sector standard setting organizations, to assist State and local governments in obtaining the equipment and training to attain the essential capabilities for first response to acts of terrorism, and to ensure that first responder funds are spent wisely.

SEC. 113. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended—

(1) in section 1(b) in the table of contents by adding at the end the following:

''TITLE XVIII—FUNDING FOR FIRST RESPONDERS

''Sec. 1801. Definitions.
''Sec. 1802. Faster and Smarter Funding for First Responders.
''Sec. 1803. Covered grant eligibility and criteria.
''Sec. 1804. Risk-based evaluation and prioritization.
''Sec. 1805. Task Force on Terrorism Preparedness for First Responders.
''Sec. 1806. Use of funds and accountability requirements.
''Sec. 1807. National standards for first responder equipment and training.''; and

(2) by adding at the end the following:

''TITLE XVIII—FUNDING FOR FIRST RESPONDERS

''SEC. 1801. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the First Responder Grants Board established under section 1804.

''(2) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 1802.

''(3) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

''(A) meets the criteria for inclusion in the qualified applicant pool for Self-Governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

''(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

''(C)(i) is located on, or within 5 miles of, an international border or waterway;

''(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

''(iii) is located within or contiguous to one of the 50 largest metropolitan statistical areas in the United States; or

''(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

''(4) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

''(5) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

''(6) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, respond to, and recover from acts of terrorism consistent with established practices.

''(7) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider'.

''(8) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(9) REGION.—The term 'region' means—

''(A) any geographic area consisting of all or parts of 2 or more contiguous States, counties, municipalities, or other local governments that have a combined population of at least 1,650,000 or have an area of not less than 20,000 square miles, and that, for purposes of an application for a covered grant, is represented by 1 or more governments or governmental agencies within such geographic area, and that is established by law or by agreement of 2 or more such governments or governmental agencies in a mutual aid agreement; or

''(B) any other combination of contiguous local government units (including such a combination established by law or agreement of two or more governments or governmental agencies in a mutual aid agreement) that is formally certified by the Secretary as a region for purposes of this title with the consent of—

''(i) the State or States in which they are located, including a multi-State entity established by a compact between two or more States; and

''(ii) the incorporated municipalities, counties, and parishes that they encompass.

''(10) TASK FORCE.—The term 'Task Force' means the Task Force on Terrorism Preparedness for First Responders established under section 1805.

''(11) TERRORISM PREPAREDNESS.—The term 'terrorism preparedness' means any activity designed to improve the ability to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks.

''SEC. 1802. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

''(a) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks, especially those involving weapons of mass destruction, administered under the following:

''(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

''(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

''(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

''(b) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

''(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

''(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

''(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.); the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.); and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

''SEC. 1803. COVERED GRANT ELIGIBILITY AND CRITERIA.

''(a) GRANT ELIGIBILITY.—Any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

''(b) GRANT CRITERIA.—The Secretary shall award covered grants to assist States and local governments in achieving, maintaining, and enhancing the essential capabilities for terrorism preparedness established by the Secretary.

''(c) STATE HOMELAND SECURITY PLANS.—

''(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant must submit to the Secretary a 3-year State homeland security plan that—

''(A) describes the essential capabilities that communities within the State should possess, or to which they should have access, based upon the terrorism risk factors relevant to such communities, in order to meet the Department's goals for terrorism preparedness;

''(B) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

''(C) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

''(D) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

''(E) describes how the State intends—

''(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

''(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

''(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

''(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan; and

''(G) provides for coordination of response and recovery efforts at the local level, including procedures for effective incident command in conformance with the National Incident Management System.

''(2) CONSULTATION.—The State plan submitted under paragraph (1) shall be developed in consultation with and subject to appropriate comment by local governments and first responders within the State.

''(3) APPROVAL BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

''(4) REVISIONS.—A State may revise the applicable State homeland security plan approved by the Secretary under this subsection, subject to approval of the revision by the Secretary.

''(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

''(e) APPLICATION FOR GRANT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, or directly eligible tribe may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

''(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants must be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants pursuant to all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

''(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the subsequent fiscal year.

''(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

''(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe to which the application pertains;

''(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 1806(g)(1), would assist in fulfilling the essential capabilities for terrorism preparedness specified in such plan or plans;

''(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

''(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

''(E) if the applicant is a region—

''(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

''(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant; and

''(iii) a designation of a specific individual to serve as regional liaison;

''(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds;

''(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison; and

''(H) a statement of how the applicant intends to meet the matching requirement, if any, that applies under section 1806(g)(2).

''(5) REGIONAL APPLICATIONS.—

''(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

''(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

''(ii) shall supplement and avoid duplication with such State application; and

''(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

''(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region must submit its application to each State of which any part is included in the region for review and concurrence prior to the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days of its receipt, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

''(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application. However in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

''(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

''(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 1806(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

''(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

''(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

''(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

''(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

''(6) TRIBAL APPLICATIONS.—

''(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe must submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

''(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

''(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

''(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

''(i) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

''(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

''(iii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

''(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

''(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 1806(g)(1), the tribe may request payment under section 1806(h)(3) in the same manner as a local government.

''(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

''SEC. 1804. RISK-BASED EVALUATION AND PRIORITIZATION.

''(a) FIRST RESPONDER GRANTS BOARD.—

''(1) ESTABLISHMENT OF BOARD.—The Secretary shall establish a First Responder Grants Board, consisting of—

''(A) the Secretary;

''(B) the Under Secretary for Emergency Preparedness and Response;

''(C) the Under Secretary for Border and Transportation Security;

''(D) the Under Secretary for Information Analysis and Infrastructure Protection;

''(E) the Under Secretary for Science and Technology;

''(F) the Director of the Office for Domestic Preparedness;

''(G) the Administrator of the United States Fire Administration; and

''(H) the Administrator of the Animal and Plant Health Inspection Service.

''(2) CHAIRMAN.—

''(A) IN GENERAL.—The Secretary shall be the Chairman of the Board.

''(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

''(b) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in subsection (a)(1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.

''(c) PRIORITIZATION OF GRANT APPLICATIONS.—

''(1) FACTORS TO BE CONSIDERED.—The Board shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons (including transient commuting and tourist populations) and critical infrastructure. Such evaluation and prioritization shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States. The Board shall coordinate with State, local, regional, and tribal officials in establishing criteria for evaluating and prioritizing applications for covered grants.

''(2) CRITICAL INFRASTRUCTURE SECTORS.—The Board specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the United States, urban and rural:

''(A) Agriculture and food.
''(B) Banking and finance.
''(C) Chemical industries.
''(D) The defense industrial base.
''(E) Emergency services.
''(F) Energy.
''(G) Government facilities.
''(H) Postal and shipping.
''(I) Public health and health care.
''(J) Information technology.
''(K) Telecommunications.
''(L) Transportation systems.
''(M) Water.
''(N) Dams.
''(O) Commercial facilities.
''(P) National monuments and icons.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

''(3) TYPES OF THREAT.—The Board specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the United States, urban and rural:

''(A) Biological threats.
''(B) Nuclear threats.
''(C) Radiological threats.
''(D) Incendiary threats.
''(E) Chemical threats.
''(F) Explosives.
''(G) Suicide bombers.
''(H) Cyber threats.
''(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

''(4) CONSIDERATION OF ADDITIONAL FACTORS.—The Board shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Board has determined to exist. In evaluating the threat to a population or critical infrastructure sector, the Board shall

give greater weight to threats of terrorism based upon their specificity and credibility, including any pattern of repetition.

''(5) MINIMUM AMOUNTS.—After evaluating and prioritizing grant applications under paragraph (1), the Board shall ensure that, for each fiscal year—

''(A) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

''(B) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan and that meets one or both of the additional high-risk qualifying criteria under paragraph (6) receives no less than 0.45 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

''(C) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each receives no less than 0.08 percent of the funds available for covered grants for that fiscal year for purposes of implementing its approved State homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D); and

''(D) directly eligible tribes collectively receive no less than 0.08 percent of the funds available for covered grants for such fiscal year for purposes of addressing the needs identified in the applications of such tribes, consistent with the homeland security plan of each State within the boundaries of which any part of any such tribe is located, except that this clause shall not apply with respect to funds available for a fiscal year if the Secretary receives less than 5 applications for such fiscal year from such tribes under section 1803(e)(6)(A) or does not approve at least one such application.

''(6) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—For purposes of paragraph (5)(B), additional high-risk qualifying criteria consist of—

''(A) having a significant international land border; or

''(B) adjoining a body of water within North America through which an international boundary line extends.

''(d) EFFECT OF REGIONAL AWARDS ON STATE MINIMUM.—Any regional award, or portion thereof, provided to a State under section 1803(e)(5)(C) shall not be considered in calculating the minimum State award under subsection (c)(5) of this section.

''SEC. 1805. TASK FORCE ON TERRORISM PREPAREDNESS FOR FIRST RESPONDERS.

''(a) ESTABLISHMENT.—To assist the Secretary in updating, revising, or replacing essential capabilities for terrorism preparedness, the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Terrorism Preparedness for First Responders.

''(b) UPDATE, REVISE, OR REPLACE.—The Secretary shall regularly update, revise, or replace the essential capabilities for terrorism preparedness as necessary, but not less than every 3 years.

''(c) REPORT.—

''(1) IN GENERAL.—The Task Force shall submit to the Secretary, by not later than 12 months after its establishment by the Secretary under subsection (a) and not later than every 2 years thereafter, a report on its recommendations for essential capabilities for terrorism preparedness.

''(2) CONTENTS.—Each report shall—

''(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to the Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

''(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

''(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

''(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

''(E) include such revisions to the contents of previous reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

''(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

''(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

''(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent, prepare for, respond to, or recover from terrorist attacks.

''(d) MEMBERSHIP.—

''(1) IN GENERAL.—The Task Force shall consist of 25 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

''(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

''(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

''(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

''(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing one of the two major political parties, an equal number of elected officials shall be selected from each such party.

''(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HEALTH SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate such selection with the Secretary of Health and Human Services.

''(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate one or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

''(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 App. U.S.C.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

''SEC. 1806. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

''(a) IN GENERAL.—A covered grant may be used for—

''(1) purchasing or upgrading equipment, including computer software, to enhance terrorism preparedness;

''(2) exercises to strengthen terrorism preparedness;

''(3) training for prevention (including detection) of, preparedness for, response to, or recovery from attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

''(4) developing or updating State homeland security plans, risk assessments, mutual aid agreements, and emergency management plans to enhance terrorism preparedness;

''(5) establishing or enhancing mechanisms for sharing terrorism threat information;

''(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, life-cycle systems design, product and technology evaluation, and prototype development for terrorism preparedness purposes;

''(7) additional personnel costs resulting from—

''(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

''(B) travel to and participation in exercises and training in the use of equipment and on prevention activities; and

''(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities;

''(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

''(9) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

''(A) $1,000,000 per project; or

''(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

''(10) the costs of commercially available interoperable communications equipment

(which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

''(11) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

''(12) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prevent, prepare for, respond to, mitigate against, or recover from an act of terrorism;

''(13) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

''(14) paying for the conduct of any activity permitted under the Law Enforcement Terrorism Prevention Program, or any such successor to such program; and

''(15) other appropriate activities as determined by the Secretary.

''(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

''(1) to supplant State or local funds;

''(2) to construct buildings or other physical facilities;

''(3) to acquire land; or

''(4) for any State or local government cost sharing contribution.

''(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary.

''(d) REIMBURSEMENT OF COSTS.—(1) In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

''(2) An applicant for a covered grant may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparedness for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency.

''(e) ASSISTANCE REQUIREMENT.—The Secretary may not require that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response.

''(f) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

''(g) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

''(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

''(2) COST SHARING.—

''(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a covered grant to a State, region, or directly eligible tribe awarded after the 2-year period beginning on the date of the enactment of this section shall not exceed 75 percent.

''(B) INTERIM RULE.—The Federal share of the costs of an activity carried out with a covered grant awarded before the end of the 2-year period beginning on the date of the enactment of this section shall be 100 percent.

''(C) IN-KIND MATCHING.—Each recipient of a covered grant may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made, including, but not limited to, any necessary personnel overtime, contractor services, administrative costs, equipment fuel and maintenance, and rental space.

''(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds pursuant to paragraph (1).

''(4) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—The Federal share described in paragraph (2)(A) may be increased by up to 2 percent for any State, region, or directly eligible tribe that, not later than 30 days after the end of each fiscal quarter, submits to the Secretary a report on that fiscal quarter. Each such report must include, for each recipient of a covered grant or a pass-through under paragraph (1)—

''(A) the amount obligated to that recipient in that quarter;

''(B) the amount expended by that recipient in that quarter; and

''(C) a summary description of the items purchased by such recipient with such amount.

''(5) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each Federal fiscal year. Each recipient of a covered grant that is a region must simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe must simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report must include the following:

''(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

''(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

''(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

''(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

''(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

''(6) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (5) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

''(7) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (5) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office for Domestic Preparedness.

''(h) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

''(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

''(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

''(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

''(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

''(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

''(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

''(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

''(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 1803(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

''(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

''(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of

a covered grant awarded to a State in which the local government is located, if—

''(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

''(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

''(iii) the local government complies with subparagraphs (B) and (C).

''(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

''(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

''(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

''(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

''(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

''(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

''(i) shall not affect any payment to another local government under this paragraph; and

''(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

''(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

''(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to the Congress by January 31 of each year covering the preceding fiscal year—

''(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

''(2) containing information on the use of such grant funds by grantees; and

''(3) describing—

''(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established by the Secretary as a result of the expenditure of covered grant funds during the preceding fiscal year; and

''(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established by the Secretary.

''SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

''(a) EQUIPMENT STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall, not later than 6 months after the date of the enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 1805(e)(7). Such standards—

''(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

''(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

''(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

''(D) shall cover all appropriate uses of the equipment.

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

''(A) Thermal imaging equipment.

''(B) Radiation detection and analysis equipment.

''(C) Biological detection and analysis equipment.

''(D) Chemical detection and analysis equipment.

''(E) Decontamination and sterilization equipment.

''(F) Personal protective equipment, including garments, boots, gloves, and hoods and other protective clothing.

''(G) Respiratory protection equipment.

''(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

''(I) Explosive mitigation devices and explosive detection and analysis equipment.

''(J) Containment vessels.

''(K) Contaminant-resistant vehicles.

''(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

''(b) TRAINING STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

''(A) enable first responders to prevent, prepare for, respond to, mitigate against, and recover from terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

''(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

''(A) Regional planning.

''(B) Joint exercises.

''(C) Intelligence collection, analysis, and sharing.

''(D) Emergency notification of affected populations.

''(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

''(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

''(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

''(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

''(1) the National Institute of Standards and Technology;

''(2) the National Fire Protection Association;

''(3) the National Association of County and City Health Officials;

''(4) the Association of State and Territorial Health Officials;

''(5) the American National Standards Institute;

''(6) the National Institute of Justice;

''(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

''(8) the National Public Health Performance Standards Program;

''(9) the National Institute for Occupational Safety and Health;

''(10) ASTM International;

''(11) the International Safety Equipment Association;

''(12) the Emergency Management Accreditation Program; and

''(13) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

''(d) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.''.

(b) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101(6)) is amended by striking ''includes'' and all that follows and inserting ''includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.''.

SEC. 114. SUPERSEDED PROVISION.

This chapter supersedes section 1014(c)(3) of Public Law 107–56.

SEC. 115. OVERSIGHT.

The Secretary of Homeland Security shall establish within the Office for Domestic Preparedness an Office of the Comptroller to oversee the grants distribution process and the financial management of the Office for Domestic Preparedness.

SEC. 116. GAO REPORT ON AN INVENTORY AND STATUS OF HOMELAND SECURITY FIRST RESPONDER TRAINING.

(a) IN GENERAL.—The Comptroller General of the United States shall report to Congress in accordance with this section—

(1) on the overall inventory and status of first responder training programs of the Department of Homeland Security and other departments and agencies of the Federal Government; and

(2) the extent to which such programs are coordinated.

(b) CONTENTS OF REPORTS.—The reports under this section shall include—

(1) an assessment of the effectiveness of the structure and organization of such training programs;

(2) recommendations to—

(A) improve the coordination, structure, and organization of such training programs; and

(B) increase the availability of training to first responders who are not able to attend centralized training programs;

(3) the structure and organizational effectiveness of such programs for first responders in rural communities;

(4) identification of any duplication or redundancy among such programs;

(5) a description of the use of State and local training institutions, universities, centers, and the National Domestic Preparedness Consortium in designing and providing training;

(6) a cost-benefit analysis of the costs and time required for first responders to participate in training courses at Federal institutions;

(7) an assessment of the approval process for certifying non-Department of Homeland Security training courses that are useful for anti-terrorism purposes as eligible for grants awarded by the Department;

(8) a description of the use of Department of Homeland Security grant funds by States and local governments to acquire training;

(9) an analysis of the feasibility of Federal, State, and local personnel to receive the training that is necessary to adopt the National Response Plan and the National Incident Management System; and

(10) the role of each first responder training institution within the Department of Homeland Security in the design and implementation of terrorism preparedness and related training courses for first responders.

(c) DEADLINES.—The Comptroller General shall—

(1) submit a report under subsection (a)(1) by not later than 60 days after the date of the enactment of this Act; and

(2) submit a report on the remainder of the topics required by this section by not later than 120 days after the date of the enactment of this Act.

SEC. 117. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DISCOURAGE THE DONATION OF FIRE EQUIPMENT TO VOLUNTEER FIRE COMPANIES.

(a) LIABILITY PROTECTION.—A person who donates fire control or fire rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death caused by the equipment after the donation.

(b) EXCEPTIONS.—Subsection (a) does not apply to a person if—

(1) the person's act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or

(2) the person is the manufacturer of the fire control or fire rescue equipment.

(c) PREEMPTION.—This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that notwithstanding subsection (b) this section shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

(d) DEFINITIONS.—In this section:

(1) PERSON.—The term ''person'' includes any governmental or other entity.

(2) FIRE CONTROL OR RESCUE EQUIPMENT.—The term ''fire control or fire rescue equipment'' includes any fire vehicle, fire fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

(3) STATE.—The term ''State'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

(4) VOLUNTEER FIRE COMPANY.—The term ''volunteer fire company'' means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

(e) EFFECTIVE DATE.—This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after the date of the enactment of this Act.

Subtitle B—Transportation Security

SEC. 121. REPORT ON NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to completion of a national strategy for transportation security. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in such subsection (e) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 122. REPORT ON AIRLINE PASSENGER PRE-SCREENING.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to improving airline passenger pre-screening. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 123. REPORT ON DETECTION OF EXPLOSIVES AT AIRLINE SCREENING CHECKPOINTS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the improvement of airline screening checkpoints to detect explosives. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 124. REPORT ON COMPREHENSIVE SCREENING PROGRAM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to implementation of a comprehensive screening program. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 125. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term ''relevant congressional committees'' means—

(1) the Committee on Homeland Security of the House of Representatives;

(2) the Committee on Government Reform of the House of Representatives;

(3) the Committee on Transportation and Infrastructure of the House of Representatives;

(4) the Committee on Homeland Security and Government Affairs of the Senate; and

(5) the Committee on Environment and Public Works of the Senate.

Subtitle C—Border Security

SEC. 131. COUNTERTERRORIST TRAVEL INTELLIGENCE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the National Counterterrorism Center shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to improving collection and analysis of intelligence on terrorist travel. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the National Counterterrorism Center is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty of the Director of the National Counterterrorism Center to submit a report under subsection (a) shall terminate when the Secretary submits a certification pursuant to subsection (a)(1). The duty of the Director of National Intelligence to submit a report under subsection (a) shall terminate when the Director submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the National Counterterrorism submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

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

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

(6) The Select Committee on Intelligence of the Senate.

(7) The Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 132. COMPREHENSIVE SCREENING SYSTEM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of Transportation shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the establishment of the comprehensive screening system described in Presidential Homeland Security Directive 11 (dated August 27, 2004). Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty of the Secretary of Homeland Security to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1). The duty of the Secretary of Transportation to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security and the Secretary of Transportation both submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

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

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

SEC. 133. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the completion of a biometric entry and exit data system. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

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

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

SEC. 134. INTERNATIONAL COLLABORATION ON BORDER AND DOCUMENT SECURITY.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of State shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to international collaboration on border and document security. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty of the Secretary of Homeland Security to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1). The duty of the Secretary of State to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security and the Secretary of State both submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) WATCH LIST.—The Comptroller General shall submit to the relevant congressional committees a report assessing the sharing of the consolidated and integrated terrorist watch list maintained by the Federal Government with countries designated to participate in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

(e) FINGERPRINTING IN DOMESTIC AND FOREIGN PASSPORTS.—

(1) USE IN UNITED STATES PASSPORTS.—

(A) IN GENERAL.—Section 215(b) of the Immigration and Nationality Act (8 U.S.C. 1185(b)) is amended by inserting after ''passport'' the following: ''that contains the fingerprints of the citizen involved''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to passports issued on or after the date that is 90 days after the date of the enactment of this Act.

(2) USE IN FOREIGN PASSPORTS.—

(A) IN GENERAL.—Section 212(a)(7) of such Act (8 U.S.C. 1182(a)(7)) is amended by adding at the end the following new subparagraph:

''(C) REQUIREMENT FOR FINGERPRINTS ON PASSPORTS.—No passport of an alien shall be considered valid for purposes of subparagraph (A) or (B) unless the passport contains the fingerprints of the alien.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to aliens applying for admission to the United States on or after the date that is 90 days after the date of the enactment of this Act.

(f) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the International Relations of the House of Representatives.

(4) The Committee on the Judiciary of the House of Representatives.

(5) The Committee on Homeland Security and Governmental Affairs of the Senate.

(6) The Committee on the Judiciary of the Senate.

(7) The Committee on Foreign Relations of the Senate.

SEC. 135. STANDARDIZATION OF SECURE IDENTIFICATION.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of Health and Human Services shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the establishment of standardization of secure identification. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of Health and Human Services is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate—

(1) for the Secretary of Homeland Security, when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1); and

(2) for the Secretary of Health and Human Services, when the Secretary of Health and Human Services submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security and the Secretary of Health and Human Services submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the Judiciary of the House of Representatives.

(4) The Committee on Ways and Means of the House of Representatives.

(5) The Committee on Finance of the Senate.

(6) The Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 136. SECURITY ENHANCEMENTS FOR SOCIAL SECURITY CARDS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Commissioner of Social Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to security enhancements for social security cards and the implementation of section 205(c)(2)(C)(iv)(II) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(iv)(II)) (as added by section 7214 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)). Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Commissioner of Social Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Commissioner considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Commissioner of Social Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Commissioner of Social Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the Judiciary of the House of Representatives.

(4) The Committee on Ways and Means of the House of Representatives.

(5) The Committee on Finance of the Senate.

(6) The Committee on Homeland Security and Governmental Affairs of the Senate.

Subtitle D—Homeland Security Appropriations

SEC. 141. HOMELAND SECURITY APPROPRIATIONS.

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, namely:

CUSTOMS AND BORDER PROTECTION.

For an additional amount for ''Salaries and Expenses'', $571,000,000 for necessary expenses for border security, including for air asset replacement and air operations facilities upgrade, the acquisition, lease, maintenance, and operation of vehicles. construction, and radiation portal monitors.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES.

For an additional amount for citizenship and immigration services, $87,000,000 for necessary expenses, including for business transformation and fraud detection.

TRANSPORTATION SECURITY ADMINISTRATION.

For an additional amount for ''Aviation Security'', $305,000,000 for necessary expenses, of which—

(1) $250,000,000 shall be made available for aviation security, including the procurement of explosives monitoring equipment; and

(2) $55,000,000 shall be made available for air cargo security, including cargo canine teams and inspectors.

UNITED STATES COAST GUARD.

For an additional amount for ''Acquisition, Construction, and Improvements'', $184,000,000 for necessary expenses for the Integrated Deepwater Systems Program for the purchase of ships, planes, and helicopters.

For an additional amount for ''Operating Expenses'', $23,000,000 for necessary expenses for additional inspectors at foreign and domestic ports.

OFFICE FOR DOMESTIC PREPAREDNESS.

For an additional amount for ''State and Local Programs'', $2,880,000,000 for necessary expenses, of which—

(1) $790,000,000 shall be made available for first responder grants;

(2) $500,000,000 shall be made available for interoperability grants;

(3) $100,000,000 shall be made available for chemical security grants;

(4) $1,200,000,000 shall be made available for rail security grants;

(5) $190,000,000 shall be made available for port security grants; and

(6) $100,000,000 shall be made available for emergency management performance grants.

FEDERAL EMERGENCY MANAGEMENT AGENCY.

For an additional amount for ''Readiness, Mitigation, Response, and Recovery'', $50,000,000 for necessary expenses.

For an additional amount for ''National Pre-Disaster Mitigation Fund'', $100,000,000 for necessary expenses.

TITLE II—REFORMING THE INSTITUTIONS OF GOVERNMENT

Subtitle A—Intelligence Community

SEC. 201. REPORT ON DIRECTOR OF NATIONAL INTELLIGENCE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the Director of National Intelligence. Such report shall include—

(1) a certification by the Director of National Intelligence that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of National Intelligence is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of National Intelligence submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON DNI EXERCISE OF AUTHORITY.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether—

(A) the Director of National Intelligence has been able to properly exercise the authority of the Office of the Director of National Intelligence, including budget and personnel authority; and

(B) information sharing among the intelligence community is a high priority.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the Director of National Intelligence have been achieved.

SEC. 202. REPORT ON NATIONAL COUNTERTERRORISM CENTER.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the establishment of a National Counterterrorism Center. Such report shall include—

(1) a certification by the Director of National Intelligence that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of National Intelligence is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of National Intelligence submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 203. REPORT ON CREATION OF A FEDERAL BUREAU OF INVESTIGATION NATIONAL SECURITY WORKFORCE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Federal Bureau of Investigation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the creation of a Federal Bureau of Investigation national security workforce. Such report shall include—

(1) a certification by the Director of the Federal Bureau of Investigation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Federal Bureau of Investigation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Federal Bureau of Investigation expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director of the Federal Bureau of Investigation considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Federal Bureau of Investigation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Federal Bureau of Investigation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON CREATION OF FBI NATIONAL SECURITY WORKFORCE.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether—

(A) there is a sense of urgency within the Federal Bureau of Investigation to create a national security workforce to carry out the domestic counterterrorism mission of the Federal Bureau of Investigation;

(B) the Federal Bureau of Investigation is on track to create such a workforce; and

(C) the culture of the Federal Bureau of Investigation allows the Federal Bureau of Investigation to meet its new challenges and succeed in its counterterrorism role.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the creation of a Federal Bureau of Investigation national security workforce have been achieved.

SEC. 204. REPORT ON NEW MISSIONS FOR THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the new mission of the Director of the Central Intelligence Agency. Such report shall include—

(1) a certification by the Director of National Intelligence that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of National Intelligence is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of National Intelligence submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether the Director of the Central Intelligence Agency has strong, determined leadership committed to accelerating the pace of the reforms underway.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the Director of the Central Intelligence Agency have been achieved.

(e) SENSE OF CONGRESS.—It is the sense of Congress that Congress and the leadership of the Central Intelligence Agency should—

(1) regularly evaluate the effectiveness of the national clandestine service structure to determine if it improves coordination of human intelligence collection operations and produces better intelligence results; and

(2) address morale and personnel issues at the Central Intelligence Agency to ensure the Central Intelligence Agency remains an effective arm of national power.

SEC. 205. REPORT ON INCENTIVES FOR INFORMATION SHARING.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Management and Budget, in consultation with the Director of National Intelligence and the Program Manager for the Information Sharing Environment, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the provision of affirmative incentives for information sharing, and for reducing disincentives to information sharing, across the Federal Government and with State and local authorities. Such report shall include—

(1) a certification by the Director of the Office of Management and Budget that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Management and Budget is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence and the Program Manager for the Information Sharing Environment expect such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 206. REPORT ON PRESIDENTIAL LEADERSHIP OF NATIONAL SECURITY INSTITUTIONS IN THE INFORMATION REVOLUTION.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Management and Budget, in consultation with the Director of National Intelligence and the Program Manager for the Information Sharing Environment, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the leadership of the President of national security institutions into the information revolution. Such report shall include—

(1) a certification by the Director of the Office of Management and Budget that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Management and Budget is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Office of Management and Budget expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON INFORMATION SYSTEMS.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall submit to the relevant congressional committees a report on whether the departments and agencies of the Federal Government have the resources and Presidential support to change information systems to enable information sharing, policies and procedures that compel sharing, and systems of performance evaluation to inform personnel on how well they carry out information sharing.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the leadership of the President of national security institutions into the information revolution have been achieved.

SEC. 207. HOMELAND AIRSPACE DEFENSE.

(a) CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of Defense shall each submit to the specified congressional committees a certification as to whether the Federal Government has implemented the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) and the recommendations of the National Commission on Terrorist Attacks Upon the United States regarding homeland and airspace defense. Each Secretary shall include with such certification recommendations if further congressional action is necessary. If a Secretary is unable to certify the goal in the first sentence, the Secretary shall report to the specified committees what steps have been taken towards implementation, when implementation can reasonably be expected to be completed, and whether additional resources or actions from the Congress are required for implementation.

(b) COMPTROLLER GENERAL REPORT.—Within 30 days of the submission of both certifications under subsection (a), the Comptroller General of the United States shall submit to the specified congressional committees a report verifying that the policy referred to in that subsection has in fact been implemented and recommendations of any additional congressional action necessary to implement the goals referred to in that subsection.

(c) SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''specified congressional committees'' means—

(1) the Committee on Homeland Security, the Committee on Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) the Committee of Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate.

SEC. 208. SEMIANNUAL REPORT ON PLANS AND STRATEGIES OF UNITED STATES NORTHERN COMMAND FOR DEFENSE OF THE UNITED STATES HOMELAND.

(a) FINDINGS.—Consistent with the report of the 9/11 Commission, Congress makes the following findings:

(1) The primary responsibility for national defense is with the Department of Defense and the secondary responsibility for national defense is with the Department of Homeland Security, and the two departments must have clear delineations of responsibility.

(2) Before September 11, 2001, the North American Aerospace Defense Command, which had responsibility for defending United States airspace on September 11, 2001—

(A) focused on threats coming from outside the borders of the United States; and

(B) had not increased its focus on terrorism within the United States, even

though the intelligence community had gathered intelligence on the possibility that terrorists might turn to hijacking and even the use of airplanes as missiles within the United States.

(3) The United States Northern Command has been established to assume responsibility for defense within the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense should regularly assess the adequacy of the plans and strategies of the United States Northern Command with a view to ensuring that the United States Northern Command is prepared to respond effectively to all military and paramilitary threats within the United States; and

(2) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives should periodically review and assess the adequacy of those plans and strategies.

(c) SEMIANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the plans and strategies of the United States Northern Command to defend the United States against military and paramilitary threats within the United States.

SEC. 209. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform, of the House of Representatives.

(3) The Permanent Select Committee on Intelligence of the House of Representatives.

(4) The Committee on Homeland Security and Government Affairs of the Senate.

(5) The Select Committee on Intelligence of the Senate.

Subtitle B—Civil Liberties and Executive Power

SEC. 211. REPORT ON THE BALANCE BETWEEN SECURITY AND CIVIL LIBERTIES.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the balance between security and civil liberties. Such report shall include—

(1) a certification by the Attorney General that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Attorney General is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Attorney General submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Attorney General submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 212. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) SHORT TITLE.—This section may be cited as the ''9/11 Commission Civil Liberties Board Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) On July 22, 2004 the National Commission on Terrorist Attacks Upon the United States issued a report that included 41 specific recommendations to help prevent future terrorist attacks, including details of a global strategy and government reorganization necessary to implement that strategy.

(2) One of the recommendations focused on the protections of civil liberties. Specifically the following recommendation was made: ''At this time of increased and consolidated government authority, there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties.''.

(3) The report also states that ''the choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. Our History has shown that the insecurity threatens liberty at home. Yet if our liberties are curtailed, we lose the values that we are struggling to defend.''.

(4) On December 17, 2004, Public Law 108–458, the National Intelligence Reform Act, was signed into law. This law created a civil liberties board that does not have the authority necessary to protect civil liberties.

(5) The establishment and adequate funding of a Privacy and Civil Liberties Oversight Board was a crucial recommendation made by the 9/11 Commission.

(6) In its Final Report on 9/11 Commission Recommendations, the Commission noted ''very little urgency'' and ''insufficient'' funding as it relates to the establishment of the Privacy and Civil Liberties Oversight Board.

(7) While the President's budget submission for fiscal year 2006 included $750,000 for the Privacy and Civil Liberties Oversight Board, the President's budget submission for fiscal year 2007 does not contain a funding line for the Board.

(c) MAKING THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD INDEPENDENT.—Section 1061(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended by striking ''within the Executive Office of the President'' and inserting ''as an independent agency within the Executive branch''.

(d) REQUIRING ALL MEMBERS OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD BE CONFIRMED BY THE SENATE.—Subsection (e) of section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

''(e) MEMBERSHIP.—

''(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party. The President shall, before appointing an individual who is not a member of the same political party as the President consult with the leadership of that party, if any, in the Senate and House of Representatives.

''(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

''(4) TERM.—Each member of the Board shall serve a term of six years, except that—

''(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term;

''(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

''(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

''(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted; and

''(C) the members initially appointed under this subsection shall serve terms of two, three, four, five, and six years, respectively, from the effective date of this Act, with the term of each such member to be designated by the President.

''(5) QUORUM AND MEETINGS.—The Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.''.

(e) SUBPOENA POWER FOR THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Section 1061(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended—

(1) so that subparagraph (D) of paragraph (1) reads as follows:

''(D) require, by subpoena issued at the direction of a majority of the members of the Board, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.''; and

(2) so that paragraph (2) reads as follows:

''(2) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.''.

(f) REPORTING REQUIREMENTS.—

(1) DUTIES OF BOARD.—Paragraph (4) of section 1061(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

''(4) REPORTS.—

''(A) RECEIPT, REVIEW, AND SUBMISSION.—

''(i) IN GENERAL.—The Board shall—

''(I) receive and review reports from privacy officers and civil liberties officers described in section 212; and

''(II) periodically submit, not less than semiannually, reports to the appropriate committees of Congress, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, and to the President.

Such reports shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(ii) CONTENTS.—Not less than 2 reports the Board submits each year under clause (i)(II) shall include—

''(I) a description of the major activities of the Board during the preceding period;

''(II) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (c);

''(III) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (c); and

''(IV) each proposal reviewed by the Board under subsection (c)(1) that the Board advised against implementing, but that notwithstanding such advice, was implemented.

''(B) INFORMING THE PUBLIC.—The Board shall—

''(i) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(ii) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.''.

(2) PRIVACY AND CIVIL LIBERTIES OFFICERS.—Section 1062 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

''SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.

''(a) DESIGNATION AND FUNCTIONS.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the National Intelligence Director, the Director of the Central Intelligence Agency, any other entity within the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

''(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

''(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

''(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

''(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

''(A) that the power actually enhances security and the need for the power is balanced with the need to protect privacy and civil liberties;

''(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

''(C) that there are adequate guidelines and oversight to properly confine its use.

''(b) EXCEPTION TO DESIGNATION AUTHORITY.—

''(1) PRIVACY OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

''(2) CIVIL LIBERTIES OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

''(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

''(1) report directly to the head of the department, agency, or element concerned; and

''(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

''(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

''(1) has the information, material, and resources necessary to fulfill the functions of such officer;

''(2) is advised of proposed policy changes;

''(3) is consulted by decisionmakers; and

''(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

''(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(f) PERIODIC REPORTS.—

''(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

''(A)(i) to the appropriate committees of Congress, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

''(ii) to the head of such department, agency, or element; and

''(iii) to the Privacy and Civil Liberties Oversight Board; and

''(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

''(A) information on the number and types of reviews undertaken;

''(B) the type of advice provided and the response given to such advice;

''(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

''(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

''(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

''(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

''(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.

''(i) PROTECTIONS FOR HUMAN RESEARCH SUBJECTS.—The Secretary of Homeland Security shall ensure that the Department of Homeland Security complies with the protections for human research subjects, as described in part 46 of title 45, Code of Federal Regulations, or in equivalent regulations as promulgated by such Secretary, with respect to research that is conducted or supported by such Department.''.

(g) INCLUSION IN PRESIDENT'S BUDGET SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

''(36) a separate statement of the amount of appropriations requested for the Privacy and Civil Liberties Oversight Board.''.

(h) REPORT; CERTIFICATION.—

(1) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the extent to which the Administration has achieved and implemented the policy goals of Public Law 108–458 and the recommendations of the 9/11 Commission regarding the implementation of the Privacy and Civil Liberties Oversight Board. Such report shall include—

(A) a certification by the Attorney General that such recommendations have been implemented and such policy goals have been achieved; or

(B) if the Attorney General is unable to make the certification described in subparagraph (A), a description of—

(i) the steps taken to implement such recommendations and achieve such policy goals;

(ii) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved; and

(iii) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(2) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under paragraph (1) shall terminate when the Attorney General submits a certification pursuant to paragraph (1)(A).

(3) GAO REVIEW OF CERTIFICATION.—If the Attorney General submits a certification pursuant to paragraph (1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in paragraph (1) have been implemented and whether the policy goals described in paragraph (1) have been achieved.

SEC. 213. SET PRIVACY GUIDELINES FOR GOVERNMENT SHARING OF PERSONAL INFORMATION.

(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the extent to which the Administration has achieved and implemented the policy goals of Public Law 108–458 and the recommendations of the 9/11 Commission regarding the privacy guidelines for government sharing of personal information. Such report shall include—

(1) a certification by the Attorney General that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Attorney General is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Attorney General submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Attorney General submits a certification pursuant to subsection (a), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in paragraph (1) have been implemented and whether the policy goals described in subsection (A) have been achieved.

SEC. 214. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term ''relevant congressional committees'' means the Committee on Homeland Security of the House of Representatives, the Committee on Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committees on the Judiciary of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle C—Intelligence Oversight Reform in the Senate

SEC. 231. SUBCOMMITTEE RELATED TO INTELLIGENCE OVERSIGHT.

(a) ESTABLISHMENT.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) RESPONSIBILITY.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 232. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

(a) ESTABLISHMENT.—There is established in the Committee on Appropriations a Subcommittee on Intelligence.

(b) JURISDICTION.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters.

SEC. 233. EFFECTIVE DATE.

This subtitle shall take effect on the convening of the 110th Congress.

Subtitle D—Standardize Security Clearances

SEC. 241. STANDARDIZATION OF SECURITY CLEARANCES.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Personnel Management, in consultation with the Director of National Intelligence, the Secretary of Defense, and the Secretary of Homeland Security, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to security clearances, including with respect to uniform policies and procedures for the completion of security clearances and reciprocal recognition of such security clearances among agencies of the United States Government. Such report shall include—

(1) a certification by the Director of the Office of Personnel Management that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Personnel Management is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Office of Personnel Management expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Personnel Management submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Office of Personnel Management submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

TITLE III—FOREIGN POLICY, PUBLIC DIPLOMACY, AND NONPROLIFERATION

Subtitle A—Foreign Policy

SEC. 301. ACTIONS TO ENSURE A LONG-TERM COMMITMENT TO AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Government of the United States—

(1) should give priority to providing assistance to Afghanistan to establish a substantial economic infrastructure and a sound economy; and

(2) should continue to provide economic and development assistance to Afghanistan, including assistance to the Afghan National Army and the police forces and border police of Afghanistan.

(b) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 305 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7555) (as added by section 7104(e)(4)(A) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)) for ensuring a long-term commitment to Afghanistan. Such report shall include—

(1) a certification by the President that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the President is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the President expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the President considers necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (b) shall terminate when the President submits a certification pursuant to subsection (b)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the President submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) has been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 302. ACTIONS TO SUPPORT PAKISTAN AGAINST EXTREMISTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the commitment of the President to provide $3,000,000,000 in assistance over the next five years to Pakistan should be commended;

(2) the Government of the United States should provide assistance to Pakistan to improve Pakistan's failing basic education system and to emphasize development;

(3) the Government of the United States should strongly urge the Government of Pakistan to close Taliban-linked schools known as ''madrassas'', close terrorist training camps, and prevent Taliban forces from operating across the border between Pakistan and Afghanistan; and

(4) the Government of the United States and the Government of Pakistan must redouble their efforts to kill or capture Osama bin Laden and other high-ranking al Qaeda suspects that may be hiding in or around Pakistan.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on efforts by the Government of Pakistan take the actions described in subsection (a)(3).

SEC. 303. ACTIONS TO SUPPORT REFORM IN SAUDI ARABIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of the United States and the Government of Saudi Arabia should accelerate efforts to improve strategic dialogue between the two countries, increase exchange programs, and promote pragmatic reforms in Saudi Arabia; and

(2) the Government of Saudi Arabia should take additional steps to regulate charities and promote tolerance and moderation.

(b) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7105 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for improving dialogue between the people and Government of the United States and the people and Government of Saudi Arabia in order to improve the relationship between the two countries. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (b) shall terminate when the Secretary of State submits a certification pursuant to subsection (b)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) have been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 304. ELIMINATION OF TERRORIST SANCTUARIES.

(a) NATIONAL COUNTERTERRORISM CENTER IDENTIFICATION OF TERRORIST SANCTUARIES.—Subsection (d) of section 119 of National Security Act of 1947 (50 U.S.C. 404o) is amended by adding at the end the following new paragraph:

''(7) To identify each country whose territory is being used as a sanctuary for terrorists or terrorist organizations and each country whose territory may potentially be used as a sanctuary for terrorists or terrorist organizations and to develop a comprehensive strategy to eliminate terrorist sanctuaries.''.

(b) REPORT.—Such section is further amended by adding at the end the following new subsection:

''(k) REPORT ON TERRORIST SANCTUARIES.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Director of the National Counterterrorism Center shall submit to the Committee on International Relations, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on Government Reform of the House of Representatives and the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on terrorist sanctuaries, including a description of the—

''(1) countries whose territory is being used as a sanctuary for terrorists or terrorist organizations;

''(2) countries whose territory may potentially be used as a sanctuary for terrorists or terrorist organizations;

''(3) strategy to eliminate each such sanctuary; and

''(4) progress that has been made in accomplishing such strategy.''.

SEC. 305. COMPREHENSIVE COALITION STRATEGY AGAINST ISLAMIST TERRORISM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States—

(1) should continue to engage other countries in developing a comprehensive coalition strategy against Islamist terrorism; and

(2) should use a broader approach to target the roots of terrorism, including developing strategies with other countries to encourage reform efforts in Saudi Arabia and Pakistan, improving educational and economic opportunities in Muslim countries, identifying and eliminating terrorist sanctuaries, and making progress in the Arab-Israeli peace process.

(b) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7117 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for engaging other countries in developing a comprehensive coalition strategy for combating terrorism. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (b) shall terminate when the Secretary of State submits a certification pursuant to subsection (b)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) have been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 306. STANDARDS FOR THE DETENTION AND HUMANE TREATMENT OF CAPTURED TERRORISTS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State, in consultation with the Attorney General, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission for engaging United States allies to develop a common coalition approach toward the detention and humane treatment of captured terrorists and the policy goals of sections 1002, 1003, and 1005 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148). Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations, the Committee on Armed Services, and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 307. USE OF ECONOMIC POLICIES TO COMBAT TERRORISM.

(a) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State, in consultation with the United States Trade Representative, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7115 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for developing economic policies to combat terrorism. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved, including a description of the extent to which the policy goals of paragraphs (1) through (4) of section 7115(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 308. ACTIONS TO ENSURE VIGOROUS EFFORTS AGAINST TERRORIST FINANCING.

(a) FINDINGS.—Congress makes the following findings:

(1) Financial institutions have too little information about money laundering and terrorist financing compliance in other markets.

(2) The current Financial Action Task Force designation system does not adequately represent the progress countries are making in combatting money laundering.

(3) Lack of information about the compliance of countries with anti-money laundering standards exposes United States financial markets to excessive risk.

(4) Failure to designate countries that fail to make progress in combatting terrorist financing and money laundering eliminates incentives for internal reform.

(5) The Secretary of the Treasury has an affirmative duty to provide to financial institutions and examiners the best possible information on compliance with anti-money laundering and terrorist financing initiatives in other markets.

(b) REPORT.—Not later than March 1 each year, the Secretary of the Treasury shall submit to the relevant congressional committees a report that identifies the applicable standards of each country against money laundering and states whether that country is a country of primary money laundering concern under section 5318A of title 31, United States Code. The report shall include—

(1) information on the effectiveness of each country in meeting its standards against money laundering;

(2) a determination of whether that the efforts of that country to combat money laundering and terrorist financing are adequate, improving, or inadequate; and

(3) the efforts made by the Secretary to provide to the government of each such country of concern technical assistance to cease the activities that were the basis for the determination that the country was of primary money laundering concern.

(c) DISSEMINATION OF INFORMATION IN REPORT.—The Secretary of the Treasury shall make available to the Federal Financial Institutions Examination Council for incorporation into the examination process, in consultation with Federal banking agencies, and to financial institutions the information contained in the report submitted under subsection (b). Such information shall be made available to financial institutions without cost.

(d) DEFINITIONS.—In this section:

(1) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given that term in section 5312(a)(2) of title 31, United States Code.

(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term ''relevant congressional committees'' means—

(A) the Committee on Financial Services, the Committee on Government Reform, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Banking, Housing, and Urban Affairs, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

Subtitle B—Public Diplomacy

SEC. 311. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE AND PUBLIC DIPLOMACY TRAINING OF MEMBERS OF THE FOREIGN SERVICE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of sections 7109 and 7110 the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), and the amendments made by such sections, regarding the public diplomacy responsibilities of the Department of State and public diplomacy training of members of the Foreign Service. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 312. INTERNATIONAL BROADCASTING.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the relevant congressional committees a report on—

(1) the activities of Radio Sawa and Radio Al-Hurra; and

(2) the extent to which the activities of Radio Sawa and Radio Al-Hurra have been successful, including an analysis of impact of the activities on the audience and audience demographics and whether or not funding is adequate to carry out the activities.

(b) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 313. EXPANSION OF UNITED STATES SCHOLARSHIP, EXCHANGE, AND LIBRARY PROGRAMS IN THE ISLAMIC WORLD.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of sections 7112 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for expanding United States scholarship, exchange, and library programs in the Islamic world. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 314. INTERNATIONAL YOUTH OPPORTUNITY FUND.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Middle East Partnership Initiative (MEPI) and the United States Agency for International Development should be commended for initiating programs in predominantly Muslim countries to support secular education improvements and the teaching of English, including programs that focus on the education of women;

(2) the secular education programs of MEPI and the United States Agency for International Development are a constructive start to answering the challenge of secular education in predominantly Muslim countries;

(3) the secular education programs of MEPI and the United States Agency for International Development should be components of an overall strategy for educational assistance—itself one component of an overall United States strategy for counterterrorism—targeted where the need and the benefit to the national security of the United States are greatest; and

(4) upon formation of a broader strategy for international educational assistance targeted toward the Middle East, a significant increase in funding for these initiatives should be provided.

(b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—There are authorized to be appropriated to the Secretary of State $50,000,000 for each of fiscal years 2007 and 2008 to support the establishment of an International Youth Opportunity Fund pursuant to section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

Subtitle C—Nonproliferation

SEC. 321. SHORT TITLE.

This subtitle may be cited as the ''Omnibus Nonproliferation and Anti-Nuclear Terrorism Act of 2006''.

SEC. 322. FINDINGS.

Congress makes the following findings:

(1) LOOSE NUCLEAR WEAPONS AND MATERIALS IN THE FORMER SOVIET UNION.—

(A) There are in the world today enormous stockpiles of nuclear weapons and the materials required to make them. Counting materials both in assembled warheads and in other forms, worldwide totals are estimated to encompass some 1,900 tons of highly enriched uranium (enough for 143,000 nuclear weapons) and 1,855 tons of plutonium (enough for 330,000 nuclear weapons).

(B) The Russian Federation alone is estimated to have over 1,000 tons of highly enriched uranium (enough for over 80,000 nuclear weapons) and 140 tons of plutonium (enough for over 30,000 nuclear weapons).

(C) The United States has been working for over a decade to eliminate stockpiles of loose nuclear weapons and materials in the former Soviet Union, but the Department of Energy acknowledges that there is still a need to properly secure about 460 tons of weapons-usable Russian nuclear material (outside of warheads), enough for more than 35,000 nuclear weapons.

(D) A recent report by the Central Intelligence Agency faulted the security of nuclear arsenal facilities in the Russian Federation and assessed that ''undetected smuggling has occurred.''

(E) There are at least 18 documented incidents of ''proliferation significant'' fissile material trafficking from facilities in the former Soviet Union between 1991 and 2001. In one incident in 1998, an inside conspiracy at a Russian nuclear weapons facility attempted to steal 18.5 kilograms of highly enriched uranium. In another incident, 2 kilograms of highly enriched uranium taken from a research facility in Sukhumi, Georgia, has never been recovered.

(F) In May 1994, German police found a small but worrisome quantity of supergrade plutonium in the garage of Adolf Jackle. Extremely expensive to produce, this rare item was likely stolen from one of Russia's two premier nuclear weapons laboratories.

(G) Comprehensive security upgrades are not yet completed at 90 percent of Russian nuclear warhead bunkers for Russia's Strategic Rocket Forces.

(H) Border security in the former Soviet Union is inconsistent at best. Existing infrastructure helps at the outer borders of the former Soviet Union but many borders internal to the former Soviet Union, such as the border between Kazakhstan and the Russian Federation, exist only on a map.

(2) LOOSE NUCLEAR MATERIALS AROUND THE GLOBE.—

(A) Dangerous caches of weapons-usable nuclear materials, much of it poorly secured and vulnerable to theft, exist in a multitude of facilities around the world. For example, there are over 130 research reactors in over 40 countries that house highly enriched uranium, some with enough to manufacture an atomic bomb. In total, about 40 tons of highly enriched uranium, enough for over 1,000 nuclear weapons, is estimated to remain in civilian research reactors.

(B) Over the last 50 years, the United States is known to have exported about 27.5 tons of highly enriched uranium to 43 countries to help develop nuclear power production or bolster scientific initiatives. In 1996, the United States began an effort to recover the more than 17.5 tons of the nuclear material that was still overseas, but has recovered only about 1 ton, according to the Department of Energy and the Government Accountability Office.

(C) It is especially important to keep highly enriched uranium out of terrorists' hands because, with minimal expertise, they could use it to make the simplest, gun-type nuclear weapon—a device in which a high explosive is used to blow one subcritical piece of highly enriched uranium from one end of a tube into another subcritical piece held at the opposite end of the tube.

(D) To Osama bin Laden, acquiring weapons of mass destruction is a ''religious duty''. Al Qaeda and more than two dozen other terrorist groups are pursuing capability to use weapons of mass destruction.

(E) Osama bin Laden's press spokesman, Sulaiman Abu Ghaith, has announced that the group aspires ''to kill 4 million Americans, including 1 million children,'' in response to casualties supposedly inflicted on Muslims by the United States and Israel.

(F) Al Qaeda documents recovered in Afghanistan reveal a determined research effort focused on nuclear weapons.

(3) SECURITY STANDARDS FOR ALL NUCLEAR WEAPONS AND MATERIALS.—

(A) There are no international binding standards for the secure handling and storage of nuclear weapons and materials.

(B) Making a nuclear weapon requires only 4 to 5 kilograms of plutonium or 12 to 15 kilograms of highly enriched uranium.

(C) In October 2001, the United States Government became very concerned that Al Qaeda may have smuggled a 10-kiloton Russian nuclear warhead into New York City. If placed in lower Manhattan, such a device would probably kill 100,000 people instantly, seriously injure tens of thousands more, and render the entire area uninhabitable for decades to come.

(4) RUSSIA'S NUCLEAR EXPERTISE.—

(A) Employment at the large nuclear facilities in the Russian Federation's 10 closed nuclear cities is estimated to be in the range of 120,000 to 130,000 people, of whom approximately 75,000 were employed on nuclear weapons-related work.

(B) Poor wages and living conditions in Russian ''nuclear cities'' have inspired protests and strikes among the employees working in them.

(C) Insiders have been caught attempting to smuggle nuclear materials out of these facilities, presumably to sell on the lucrative black market.

SEC. 323. ESTABLISHMENT OF OFFICE OF NONPROLIFERATION PROGRAMS IN THE EXECUTIVE OFFICE OF THE PRESIDENT.

(a) ESTABLISHMENT.—There is established in the Executive Office of the President an Office of Nonproliferation Programs (in this section referred to as the ''Office'').

(b) DIRECTOR; ASSOCIATE DIRECTORS.—There shall be at the head of the Office a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The President is authorized to appoint not more than four Associate Directors, by and with the advice and consent of the Senate, who shall be compensated at a rate not to exceed that provided for level III of the Executive Schedule in section 5314 of such title. Associate Directors shall perform such functions as the Director may prescribe.

(c) PRIMARY FUNCTIONS OF DIRECTOR.—

(1) IN GENERAL.—The primary function of the Director is to coordinate and lead—

(A) efforts by the United States to curb terrorist access to nuclear technology, materials, or expertise; and

(B) other United States nonproliferation activities, including nuclear nonproliferation activities and activities to counter other weapons of mass destruction.

(2) SPECIFIC FUNCTIONS.—In addition to such other functions and activities as the President may assign, the Director shall—

(A) advise the President, and others within the Executive Office of the President, on the role and effect of such nonproliferation activities on national security and international relations;

(B) lead the development and implementation of a plan (including appropriate budgets, other resources, goals, and metrics for assessing progress) to ensure that all the highest-priority actions to prevent terrorists from getting and using nuclear weapons are taken in the shortest possible time, including but not limited to a fast-paced global effort to ensure that every nuclear warhead and every kilogram of weapons-usable nuclear material worldwide is secured and accounted for, to standards sufficient to defeat demonstrated terrorist and criminal threats, as rapidly as that objective can be accomplished;

(C) identify obstacles to accelerating and strengthening efforts to prevent terrorists from getting and using nuclear weapons, and raise approaches to overcoming these obstacles for action by the President or other appropriate officials;

(D) lead an effort, to be carried out jointly by the various Federal agencies responsible for carrying out such nonproliferation activities, to establish priorities among those activities and to develop and implement strategies and budgets that reflect those priorities;

(E) build strong partnerships with respect to such nonproliferation activities among Federal, State, and local governments, foreign governments, international organizations, and nongovernmental organizations; and

(F) evaluate the scale, quality, and effectiveness of the Federal effort with respect to such nonproliferation activities and advise on appropriate actions.

SEC. 324. REMOVAL OF RESTRICTIONS ON COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) REPEAL OF RESTRICTIONS.—

(1) RESTRICTIONS ON ASSISTANCE IN DESTROYING FORMER SOVIET WEAPONS.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (22 U.S.C. 2551 note) is repealed.

(2) RESTRICTIONS ON AUTHORITY TO CARRY OUT CTR PROGRAMS.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (22 U.S.C. 5952 note) is repealed.

(b) EXEMPTION FROM LIMITATIONS.—Cooperative Threat Reduction programs may be carried out notwithstanding any other provision of law, subject to congressional notification and reporting requirements that apply to the use of funds available for Cooperative Threat Reduction programs or the carrying out of projects or activities under such programs.

(c) INAPPLICABILITY OF OTHER RESTRICTIONS.—Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

SEC. 325. REMOVAL OF RESTRICTIONS ON DEPARTMENT OF ENERGY NONPROLIFERATION PROGRAMS.

Section 4301 of the Atomic Energy Defense Act (50 U.S.C. 2561) is repealed.

SEC. 326. MODIFICATIONS OF AUTHORITY TO USE COOPERATIVE THREAT REDUCTION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.

Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1662; 22 U.S.C. 5963) is amended—

(1) by striking ''President'' each place it appears and inserting ''Secretary of Defense'';

(2) in subsection (a), by striking ''each of the following'' and all that follows through the period at the end and inserting the following: ''that such project or activity will—

''(1) assist the United States in the resolution of a critical emerging proliferation threat; or

''(2) permit the United States to take advantage of opportunities to achieve longstanding nonproliferation goals.'';

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

SEC. 327. MODIFICATIONS OF AUTHORITY TO USE INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.

Section 3124 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1747) is amended—

(1) by striking ''President'' each place it appears and inserting ''Secretary of Energy'';

(2) in subsection (a), by striking ''each of the following'' and all that follows through the period at the end and inserting the following: ''that such project or activity will—

''(1) assist the United States in the resolution of a critical emerging proliferation threat; or

''(2) permit the United States to take advantage of opportunities to achieve longstanding nonproliferation goals.'';

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

SEC. 328. SPECIAL REPORTS ON ADHERENCE TO ARMS CONTROL AGREEMENTS AND NONPROLIFERATION COMMITMENTS.

(a) REPORTS REQUIRED.—At least annually, the Secretary of State shall submit to the appropriate congressional committees a report on each country in which a Cooperative Threat Reduction program is being carried out. The report shall describe that country's commitments to—

(1) making substantial national investments in infrastructure to secure, safeguard, and destroy weapons of mass destruction;

(2) forgoing any military modernization exceeding legitimate defense requirements, including replacement of weapons of mass destruction;

(3) forgoing any use of fissionable materials or any other components of deactivated nuclear weapons in a new nuclear weapons program;

(4) complying with all relevant arms control agreements;

(5) adopting and enforcing national and international export controls over munitions and dual-use items; and

(6) facilitating the verification by the United States and international community of that country's compliance with such commitments.

(b) FORM.—The report required under subsection (a) may be submitted with the report required under section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a).

SEC. 329. PRESIDENTIAL REPORT ON IMPEDIMENTS TO CERTAIN NONPROLIFERATION ACTIVITIES.

Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report identifying impediments (including liability concerns, taxation issues, access rights, and other impediments) to—

(1) the ongoing renegotiation of the umbrella agreement relating to Cooperative Threat Reduction; and

(2) the ongoing negotiations for the implementation of the Plutonium Disposition Program, the Nuclear Cities Initiative, and other defense nuclear nonproliferation programs.

SEC. 330. ENHANCEMENT OF GLOBAL THREAT REDUCTION INITIATIVE.

Section 3132 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2166; 50 U.S.C. 2569) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking ''PROGRAM AUTHORIZED'' and inserting ''PROGRAM REQUIRED''; and

(B) by striking ''The Secretary of Energy may'' and inserting ''The President, acting through the Secretary of Energy, shall''; and

(2) in subsection (c)(1), by adding at the end the following new subparagraph:

''(N) Take such other actions as may be necessary to effectively implement the Global Threat Reduction Initiative.''.

SEC. 331. EXPANSION OF PROLIFERATION SECURITY INITIATIVE.

(a) SENSE OF CONGRESS RELATING TO PROLIFERATION SECURITY INITIATIVE.—It is the sense of Congress that—

(1) the President should strive to expand and strengthen the Proliferation Security Initiative announced by the President on May 31, 2003, placing particular emphasis on including countries outside of NATO; and

(2) the United States should engage the United Nations to develop a Security Council Resolution to authorize the Proliferation Security Initiative under international law, including by providing legal authority to stop shipments of weapons of mass destruction, their delivery systems, and related materials.

(b) AUTHORIZATION OF APPROPRIATIONS RELATING TO PROLIFERATION SECURITY INITIATIVE.—There are authorized to be appropriated for fiscal year 2007, $50,000,000 to conduct joint training exercises regarding interdiction of weapons of mass destruction under the Proliferation Security Initiative. Particular emphasis should be given to allocating funds from such amount—

(1) to invite other countries that do not participate in the Proliferation Security Initiative to observe the joint training exercises; and

(2) to conduct training exercises with countries that openly join the Proliferation Security Initiative after the date of the enactment of this Act.

SEC. 332. SENSE OF CONGRESS RELATING TO INTERNATIONAL SECURITY STANDARDS FOR NUCLEAR WEAPONS AND MATERIALS.

It is the sense of Congress that the President should seek to devise and implement standards to improve the security of nuclear weapons and materials by—

(1) establishing with other willing nations a set of performance-based standards for the security of nuclear weapons and weapons;

(2) negotiating with those nations an agreement to adopt the standards and implement appropriate verification measures to assure ongoing compliance; and

(3) coordinating with those nations and the International Atomic Energy Agency to strongly encourage other states to adopt and verifiably implement the standards.

SEC. 333. AUTHORIZATION OF APPROPRIATIONS RELATING TO INVENTORY OF RUSSIAN TACTICAL NUCLEAR WARHEADS AND DATA EXCHANGES.

In addition to any other amounts authorized to be appropriated for such purposes, there are authorized to be appropriated to the Administrator for Nuclear Security for fiscal year 2007, $5,000,000 for assistance to Russia to facilitate the conduct of a comprehensive inventory of the stockpile of Russia of—

(1) non-strategic nuclear weapons; and

(2) nuclear weapons, whether strategic or non-strategic, that are not secured by PALs or other electronic means.

SEC. 334. REPORT ON ACCOUNTING FOR AND SECURING OF RUSSIA'S NON-STRATEGIC NUCLEAR WEAPONS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on Russia's non-strategic nuclear weapons. The report shall—

(1) detail past and current efforts of the United States to encourage a proper accounting for and securing of Russia's non-strategic nuclear weapons and Russia's nuclear weapons, whether strategic or non-strategic, that are not secured by PALs or other electronic means;

(2) detail the actions that are most likely to lead to progress in improving the accounting for and securing or dismantlement of such weapons; and

(3) detail the feasibility of enhancing the national security of the United States by developing increased transparency between the United States and Russia with respect to the numbers, locations, and descriptions of such weapons and of the corresponding weapons of the United States.

SEC. 335. RESEARCH AND DEVELOPMENT INVOLVING ALTERNATIVE USE OF WEAPONS OF MASS DESTRUCTION EXPERTISE.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law and subject to subsection (c), any funds available to a department or agency of the Federal Government may be used to conduct non-defense research and development in Russia and the states of the former Soviet Union on technologies specified in subsection (b) utilizing scientists in Russia and the states of the former Soviet Union who have expertise in—

(1) nuclear weapons; or

(2) chemical or biological weapons, but only if such scientists no longer engage, or have never engaged, in activities supporting

prohibited chemical or biological capabilities.

(b) TECHNOLOGIES.—The technologies specified in this subsection are technologies on the following:

(1) Environmental restoration and monitoring.

(2) Proliferation detection.

(3) Health and medicine, including research.

(4) Energy.

(c) LIMITATION.—Funds may not be used under subsection (a) for research and development if the Secretary of State, in consultation with the Secretary of Defense and the Secretary of Energy, determines that such research and development will—

(1) pose a threat to the security interests of the United States; or

(2) further materially any defense technology.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of State $20,000,000 for fiscal year 2007 for the following purposes:

(A) To make determinations under subsection (c).

(B) To defray any increase in costs incurred by the Department of State, or any other department or agency of the Federal Government, for research and development, or demonstration, as a result of research and development conducted under this section.

(2) AVAILABILITY.—(A) Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

(B) Any amount transferred to a department or agency of the Federal Government pursuant to paragraph (1)(B) shall be merged with amounts available to such department or agency to cover costs concerned, and shall be available for the same purposes, and for the same period, as amounts with which merged.

SEC. 336. STRENGTHENING THE NUCLEAR NONPROLIFERATION TREATY.

(a) FINDINGS.—Congress makes the following findings:

(1) Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons (commonly referred to as the Nuclear Nonproliferation Treaty or NPT) (21 UST 483) states that countries that are parties to the treaty have the ''inalienable right . . . to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this treaty.''.

(2) The rights outlined under article IV include all fuel cycle activities, despite the fact that uranium enrichment and plutonium production potentially put a country in a position to produce weapons usable material.

(3) David Bergmann, former chairman of the Israeli Atomic Energy Commission, stated: ''. . . by developing atomic energy for peaceful uses, you reach the nuclear weapon option. There are not two atomic energies''.

(4) The wording of article IV has made it possible for countries that are parties to the NPT treaty to use peaceful nuclear programs as a cover for weapons programs. In particular, the misuse by North Korea and Iran of these provisions threatens to undercut the viability of the nuclear nonproliferation regime and the entire system of international nuclear commerce.

(5) If the international community fails to devise effective measures to deal with the ''loophole'' in article IV, then there is a great likelihood that the ranks of countries possessing nuclear weapons will increase markedly in the next decade.

(b) PRESIDENTIAL REPORT ON CONTROL OF NUCLEAR FUEL CYCLE TECHNOLOGIES AND MATERIAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report identifying ways to more effectively control nuclear fuel cycle technologies and material, including ways that the United States can mobilize the international community to close the ''loophole'' of article IV of the NPT, without undermining the treaty itself.

SEC. 337. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on International Relations, the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate.

(2) COOPERATIVE THREAT REDUCTION PROGRAMS.—The term ''Cooperative Threat Reduction programs'' means programs and activities specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

DIVISION B—COMBATTING TERRORISM

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Targeting Terrorists More Effectively Act of 2006''.

TITLE XI—EFFECTIVELY TARGETING TERRORISTS

SEC. 1101. SENSE OF CONGRESS ON SPECIAL OPERATIONS FORCES AND RELATED MATTERS.

It is the sense of Congress that—

(1) the number of active-duty Army Special Forces-qualified personnel should be increased during the four years after the date of the enactment of this Act so that on the date that is four years after the date of such enactment such number is 9,290;

(2) an additional 16 Predator aircraft should be acquired for the Air Force Special Operations Command by the end of fiscal year 2008;

(3) an additional Special Operations squadron should be established not later than fiscal year 2009; and

(4) the increase in the number of regular and reserve component personnel who are assigned civil affairs duty should be accelerated.

SEC. 1102. FOREIGN LANGUAGE EXPERTISE.

(a) FINDINGS.—Congress makes the following findings:

(1) Success in the global war on terrorism will require a dramatic increase in institutional and personal expertise in the languages and cultures of the societies where terrorism has taken root, including a substantial increase in the number of national security personnel who obtain expert lingual training.

(2) The National Commission on Terrorist Attacks Upon the United States identified the countries in the Middle East, South Asia, Southeast Asia, and West Africa as countries that serve or could serve as terrorist havens.

(3) Although 22 countries have Arabic as their official language, the National Commission on Terrorist Attacks Upon the United States found that a total of only 6 undergraduate degrees for the study of Arabic were granted by United States colleges and universities in 2002.

(4) The report of the National Commission on Terrorist Attacks Upon the United States contained several criticisms of the lack of linguistic expertise in the Central Intelligence Agency and the Federal Bureau of Investigation prior to the September 11, 2001 terrorist attacks, and called for the Central Intelligence Agency to ''develop a stronger language program, with high standards and sufficient financial incentives''.

(5) An audit conducted by the Department of Justice in July 2004, revealed that the Federal Bureau of Investigation has a backlog of hundreds of thousands of untranslated audio recordings from terror and espionage investigations.

(6) The National Security Education Program Trust Fund, which funds critical grant and scholarship programs for linguistic training in regions critical to national security, will have exhausted all its funding by fiscal year 2006, unless additional appropriations are made to the Trust Fund.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the overwhelming majority of Muslims reject terrorism and a small, radical minority has grossly distorted the teachings of one of the world's great faiths to seek justification for acts of terrorism, such radical Islamic fundamentalism constitutes a primary threat to the national security interests of the United States, and an effective strategy for combating terrorism should include increasing the number of personnel throughout the Federal Government with expertise in languages spoken in predominately Muslim countries and in the culture of such countries;

(2) Muslim-Americans constitute an integral and cherished part of the fabric of American society and possess many talents, including linguistic, historic, and cultural expertise that should be harnessed in the war against radical, fundamentalist terror; and

(3) amounts appropriated for the National Flagship Language Initiative pursuant to the amendments made by subsection (e)(2) should be used to support the establishment, operation, and improvement of programs for the study of Arabic, Persian, and other Middle Eastern, South Asian, Southeast Asian, and West African languages in institutes of higher education in the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) NATIONAL SECURITY EDUCATION TRUST FUND.—Section 810 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1910) is amended by adding at the end the following:

''(d) AUTHORIZATION OF APPROPRIATIONS FOR THE FUND FOR FISCAL YEAR 2007.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Fund $150,000,000 for fiscal year 2007.

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended and not more than $15,000,000 of such amounts may be obligated and expended during any fiscal year.''.

(2) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—

(A) IN GENERAL.—Section 811(a) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1911(a)) is amended by striking ''there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2003, $10,000,000'' and inserting ''there are authorized to be appropriated to the Secretary for each fiscal year 2003 through 2006, $10,000,000, and for each fiscal year after fiscal year 2006, $20,000,000,''.

(B) AVAILABILITY OF FUNDS.—Section 811(b) of such Act (50 U.S.C. 1911(b)) is amended by inserting ''for fiscal years 2003 through 2006'' after ''this section''.

(3) DEMONSTRATION PROGRAM.—There are authorized to be appropriated to the Director of National Intelligence such sums as may be necessary for each of fiscal years 2007, 2008,

and 2009 in order to carry out the demonstration program established under subsection (c).

SEC. 1103. CURTAILING TERRORIST FINANCING.

(a) FINDINGS.—Congress makes the following findings:

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that ''[v]igorous efforts to track terrorist financing must remain front and center in United States counterterrorism efforts''.

(2) The report of the Independent Task Force sponsored by the Council on Foreign Relations stated that ''currently existing U. S. and international policies, programs, structures, and organizations will be inadequate to assure sustained results commensurate with the ongoing threat posed to the national security of the United States''.

(3) The report of the Independent Task Force contained the conclusion that ''[l]ong-term success will depend critically upon the structure, integration, and focus of the U. S. Government—and any intergovernmental efforts undertaken to address this problem''.

(b) POLICY.—It is the policy of the United States—

(1) to work with the Government of Saudi Arabia to curtail terrorist financing originating from that country using a range of methods, including diplomacy, intelligence, and law enforcement;

(2) to ensure effective coordination and sufficient resources for efforts of the agencies and departments of the United States to disrupt terrorist financing by carrying out, through the Office of Terrorism and Financial Intelligence in the Department of the Treasury, a comprehensive analysis of the budgets and activities of all such agencies and departments that are related to disrupting the financing of terrorist organizations;

(3) to provide each agency or department of the United States with the appropriate number of personnel to carry out the activities of such agency or department related to disrupting the financing of terrorist organizations;

(4) to centralize the coordination of the efforts of the United States to combat terrorist financing and utilize existing authorities to identify foreign jurisdictions and foreign financial institutions suspected of abetting terrorist financing and take actions to prevent the provision of assistance to terrorists; and

(5) to work with other countries to develop and enforce strong domestic terrorist financing laws, and increase funding for bilateral and multilateral programs to enhance training and capacity-building in countries who request assistance.

(c) AUTHORIZATION OF APPROPRIATIONS TO PROVIDE TECHNICAL ASSISTANCE TO PREVENT FINANCING OF TERRORISTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for the ''Economic Support Fund'' to provide technical assistance under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to foreign countries to assist such countries in preventing the financing of terrorist activities—

(A) for fiscal year 2007, $300,000,000; and

(B) for fiscal years 2008 and 2009, such sums as may be necessary.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

(3) ADDITIONAL FUNDS.—Amounts authorized to be appropriated under this subsection are in addition to amounts otherwise available for such purposes.

SEC. 1104. PROHIBITION ON TRANSACTIONS WITH COUNTRIES THAT SUPPORT TERRORISM.

(a) CLARIFICATION OF CERTAIN ACTIONS UNDER IEEPA.—In any case in which the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a foreign country, or persons dealing with or associated with the government of that foreign country, and the government of that foreign country is determined by the Secretary of State to have repeatedly provided support for acts of international terrorism, such action shall apply to a United States person or other person.

(b) DEFINITIONS.—In this section:

(1) CONTROLLED IN FACT.—The term ''is controlled in fact'' includes—

(A) in the case of a corporation, holds at least 50 percent (by vote or value) of the capital structure of the corporation; and

(B) in the case of any other kind of legal entity, holds interests representing at least 50 percent of the capital structure of the entity.

(2) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories or possessions of the United States.

(3) UNITED STATES PERSON.—The term ''United States person'' includes any United States citizen, permanent resident alien, entity organized under the law of the United States or of any State (including foreign branches), wherever located, or any other person in the United States.

(c) APPLICABILITY.—

(1) IN GENERAL.—In any case in which the President has taken action under the International Emergency Economic Powers Act and such action is in effect on the date of the enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of the enactment of this Act.

(2) ACTIONS AFTER DATE OF ENACTMENT.—In any case in which the President takes action under the International Emergency Economic Powers Act on or after the date of the enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of such action.

(d) NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

''The Director of the Office of Foreign Assets Control shall notify Congress upon the termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.''.

SEC. 1105. COMPTROLLER GENERAL REPORT ON UNITED KINGDOM AND UNITED STATES ANTI-TERRORISM POLICIES AND PRACTICES.

(a) REPORT REQUIRED.—Not later than July 1, 2007, the Comptroller General of the United States shall submit to Congress a report setting forth a comparative analysis of the anti-terrorism policies and practices of the United Kingdom and the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include a comparative analysis of the following:

(1) The counter-intelligence laws and methods of the United Kingdom and the United States.

(2) The structure of the intelligence and law enforcement agencies of the United Kingdom Government and the United States Government.

(3) The compliance by the executive agencies of the United Kingdom and the United States with the laws of such country applicable to terrorism.

(4) The constitutional and legal considerations that enter into the development of anti-terrorism policies in the United Kingdom and the United States.

SEC. 1106. ENHANCEMENT OF INTELLIGENCE COMMUNITY EFFORTS TO BRING OSAMA BIN LADEN AND OTHER AL QAEDA LEADERS TO JUSTICE.

(a) ADDITIONAL APPROPRIATION FOR INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.—There is hereby appropriated for the fiscal year ending September 30, 2007, for the Intelligence Community Management Account $200,000,000 which amount shall be available only for a unit dedicated to bringing to justice Osama bin Laden and other key leaders of al Qaeda.

(b) REPORTS ON EFFORTS.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall, in consultation with other appropriate officials, submit to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a classified report on progress made by the operations in the global war on terrorism for which funding is provided in subsection (a), including—

(1) an assessment of the likely current location of terrorist leaders (including Osama bin Laden and other key leaders of al Qaeda);

(2) a description of ongoing efforts to bring to justice such terrorists;

(3) a description of the cooperation provided by the governments of any countries assessed as likely locations of top leaders of al Qaeda and by other relevant countries;

(4) a description of diplomatic efforts currently being made to improve the cooperation of any governments described in paragraph (3); and

(5) a description of the status of, and strategy for bringing to justice, perpetrators of terrorism including the top leadership of al Qaeda.

TITLE XII—PREVENTING THE GROWTH OF RADICAL ISLAMIC FUNDAMENTALISM

Subtitle A—Quality Educational Opportunities

SEC. 1201. FINDINGS, POLICY, AND DEFINITION.

(a) FINDINGS.—Congress makes the following findings:

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that ''[e]ducation that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamic terrorism''.

(2) According to the United Nations Development Program Arab Human Development Report for 2002, 10,000,000 children between the ages of 6 through 15 in the Arab world do not attend school, and ⅔ of the 65,000,000 illiterate adults in the Arab world are women.

(3) The report of the National Commission on Terrorist Attacks Upon the United States concluded that ensuring educational opportunity is essential to the efforts of the United States to defeat global terrorism and

recommended that the United States Government ''should offer to join with other nations in generously supporting [spending funds] . . . directly on building and operating primary and secondary schools in those Muslim states that commit to sensibly investing financial resources in public education''.

(b) POLICY.—It is the policy of the United States—

(1) to work toward the goal of dramatically increasing the availability of basic education in the developing world, which will reduce the influence of radical madrassas and other institutions that promote religious extremism;

(2) to join with other countries in generously supporting the International Youth Opportunity Fund authorized under section 7114 of the 9/11 Commission Implementation Act of 2004 (Public Law 108–458), with the goal of building and operating primary and secondary schools in Muslim countries that commit to sensibly investing the resources of such countries in public education;

(3) to work with the international community, including foreign countries and international organizations to raise $7,000,000,000 to $10,000,000,000 each year to fund education programs in Muslim countries;

(4) to offer additional incentives to countries to increase the availability of basic education; and

(5) to work to prevent financing of educational institutions that support radical Islamic fundamentalism.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subtitle, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

SEC. 1202. ANNUAL REPORT TO CONGRESS.

Not later than June 1 each year, the Secretary of State shall submit to the appropriate congressional committees a report on the efforts of countries in the developing world to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism. Each report shall include—

(1) a list of countries that are making serious and sustained efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism;

(2) a list of countries that are making efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism, but such efforts are not serious and sustained; and

(3) a list of countries that are not making efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism.

SEC. 1203. AUTHORIZATION OF APPROPRIATIONS.

(a) INTERNATIONAL EDUCATION PROGRAMS.—There are authorized to be appropriated to the President for ''Development Assistance'' for international education programs carried out under sections 105 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151c and 2293)—

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

(2) for fiscal years 2008 and 2009, such sums as may be necessary.

(b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—There are authorized to be appropriated to the President for fiscal years 2007, 2008, and 2009 such sums as may be necessary for the United States contribution to the International Youth Opportunity Fund authorized under section 7114 of the 9/11 Commission Implementation Act of 2004 (Public Law 108–458) for international education programs.

(c) ADDITIONAL FUNDS.—Amounts authorized to be appropriated in this section are in addition to amounts otherwise available for such purposes.

Subtitle B—Democracy and Development in the Muslim World

SEC. 1211. PROMOTING DEMOCRACY AND DEVELOPMENT IN THE MIDDLE EAST, CENTRAL ASIA, SOUTH ASIA, AND SOUTHEAST ASIA.

(a) FINDINGS.—Congress makes the following findings:

(1) Al-Qaeda and affiliated groups have established a terrorist network with linkages throughout the Middle East, Central Asia, South Asia, and Southeast Asia.

(2) While political repression and lack of economic development do not justify terrorism, increased political freedoms and economic growth can contribute to an environment that undercuts tendencies and conditions that facilitate the rise of terrorist organizations.

(3) It is in the national security interests of the United States to promote democracy, good governance, political freedom, independent media, women's rights, private sector development, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia.

(b) POLICY.—It is the policy of the United States—

(1) to promote the objectives described in subsection (a)(3) in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia;

(2) to provide assistance and resources to organizations that are committed to promoting such objectives; and

(3) to work with other countries and international organizations to increase the resources devoted to promoting such objectives.

(c) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a strategy to promote the policy of the United States set out in subsection (b). Such strategy shall describe how funds appropriated pursuant to the authorization of appropriations in subsection (d) will be used.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for the ''Economic Support Fund'' for activities carried out under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to promote the policy of the United States set out in subsection (b)—

(A) for fiscal year 2007, $500,000,000; and

(B) for fiscal years 2008 and 2009, such sums as may be necessary.

(2) SENSE OF CONGRESS ON USE OF FUNDS.—It is the sense of Congress that a substantial portion of the funds appropriated pursuant to the authorization of appropriations in paragraph (1) should be made available to non-governmental organizations that have a record of success working in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia to build and support democratic institutions, democratic parties, human rights organizations, independent media, and the efforts to promote the rights of women.

(3) ADDITIONAL FUNDS.—Amounts authorized to be appropriated in paragraph (1) are in addition to amounts otherwise available for such purposes.

SEC. 1212. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the ''Foundation'').

(2) FUNDING.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes of this section, including through making grants and providing other assistance to entities to carry out programs for such purposes.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary of State shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives prior to designating an appropriate organization as the Foundation.

(c) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and including such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes of this section.

(e) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) RETENTION OF INTEREST.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes of this section, and may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States and without further appropriation by Congress.

(g) FINANCIAL ACCOUNTABILITY.—

(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) AUDITS OF GRANT RECIPIENTS.—

(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) ANNUAL REPORTS.—Not later than January 31, 2007, and annually thereafter, the Foundation shall submit to Congress and make available to the public an annual report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes of this section; and

(4) the financial condition of the Foundation.

Subtitle C—Restoring American Moral Leadership

SEC. 1221. ADVANCING UNITED STATES INTERESTS THROUGH PUBLIC DIPLOMACY.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States needs to improve its communication of information and ideas to people in foreign countries, particularly in countries with significant Muslim populations.

(2) Public diplomacy should reaffirm the paramount commitment of the United States to democratic principles, including preserving the civil liberties of all the people of the United States, including Muslim-Americans.

(3) The report of the National Commission on Terrorist Attacks Upon the United States stated that, ''Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them.''.

(4) A significant expansion of United States international broadcasting would provide a cost-effective means of improving communication with countries with significant Muslim populations by providing news, information, and analysis, as well as cultural programming, through both radio and television broadcasts.

(b) SPECIAL AUTHORITY FOR SURGE CAPACITY.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by adding at the end the following new section:

''SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.

''(a) EMERGENCY AUTHORITY.—

''(1) IN GENERAL.—Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or other entity of the United States to furnish the Broadcasting Board of Governors with such assistance as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

''(2) SUPERSEDES EXISTING LAW.—The authority of paragraph (1) supersedes any other provision of law.

''(3) SURGE CAPACITY DEFINED.—In this subsection, the term 'surge capacity' means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis.

''(b) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed $25,000,000.

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

''(3) DESIGNATION OF APPROPRIATIONS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the 'United States International Broadcasting Surge Capacity Fund'.''.

(c) REPORT.—An annual report submitted to the President and Congress by the Broadcasting Board of Governors under section 305(a)(9) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)(9)) shall provide a detailed description of any activities carried out under section 316 of such Act, as added by subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purposes, the following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277), and this division, and to carry out other authorities in law consistent with such purposes:

(A) INTERNATIONAL BROADCASTING OPERATIONS.—For ''International Broadcasting Operations'', $500,000,000 for the fiscal year 2007.

(B) BROADCASTING CAPITAL IMPROVEMENTS.—For ''Broadcasting Capital Improvements'', $70,000,000 for the fiscal year 2007.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this section are authorized to remain available until expended.

SEC. 1222. DEPARTMENT OF STATE PUBLIC DIPLOMACY PROGRAMS.

(a) UNITED STATES EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY PROGRAMS.—There are authorized to be appropriated for the Department of State to carry out public diplomacy programs of the Department under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with the purposes of such Acts for ''Educational and Cultural Exchange Programs'', $500,000,000 for the fiscal year 2007.

(b) ADMINISTRATION OF FOREIGN AFFAIRS.—There are authorized to be appropriated for the Department of State under ''Administration of Foreign Affairs'' to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law for ''Diplomatic and Consular Programs'', $500,000,000 for the fiscal year 2007, which shall only be available for public diplomacy international information programs.

SEC. 1223. TREATMENT OF DETAINEES.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Carrying out the global war on terrorism requires the development of policies with respect to the detention and treatment of captured international terrorists that are adhered to by all coalition forces.

(2) Article 3 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316), was specifically designed for cases in which the usual rules of war do not apply, and the minimum standards of treatment pursuant to such Article are generally accepted throughout the world as customary international law.

(3) The Commission on Terrorist Attacks Upon the United States urged to the United States to engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists. The 9/11 Public Discourse Project went on to give the Administration a ranking of ''unfulfilled'' in this area, commenting that ''[d]issession either at home or abroad on how the United States treats captured terrorists only makes it harder to build the diplomatic, political and military alliance necessary to fight the war on terror effectively''.

(b) POLICY.—The policy of the United States is as follows:

(1) It is the policy of the United States to treat all foreign persons captured, detained, interned, or otherwise held in the custody of the United States (hereinafter ''detainees'')

humanely and in accordance with the legal obligations under United States law and international law, including the obligations in the Convention Against Torture, the Geneva Conventions, and the Detainee Treatment Act of 2005.

(2) It is the policy of the United States that all officials of the United States are bound both in wartime and in peacetime by the legal prohibitions against torture, cruel, inhumane, or degrading treatment set out in the Constitution, laws, and treaties of the United States, as reiterated by the Supreme Court in Hamdan v. Rumsfeld (126 S. Ct. 2749 (2006)).

(3) If there is any doubt as to whether a detainee is entitled to the protections afforded by the Geneva Conventions, it is the policy of the United States that such detainee shall enjoy the protections of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316) until such time as the detainee's status can be determined pursuant to the procedures authorized by Army Regulation 190–8, Section 1–6.

(4) It is the policy of the United States to expeditiously process and, if appropriate, prosecute detainees in the custody of the United States, including detainees in custody at Guantanamo Bay, Cuba.

(c) REPORTING.—The Secretary shall submit to the appropriate congressional committees the following:

(1) Not later than 180 days after the date of the enactment of this Act, a report setting forth the number of individuals currently held at Guantanamo Bay, Cuba, the number of such individuals who are unlikely to face a military commission in the next six months, and each reason for not bringing such individuals before a military commission.

(2) Not later than 90 days after the date of the enactment of this Act, a report setting forth all interrogation techniques approved, as of the date of the enactment of this Act, by officials of the United States for use with detainees.

(d) RULES, REGULATIONS, AND GUIDELINES.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary and the Director shall prescribe the rules, regulations, or guidelines necessary to ensure compliance with the standards of the Detainee Treatment Act of 2005 and Common Article 3 of the Geneva Conventions by all personnel of the United States Government and by any person providing services to the United States Government on a contract basis.

(2) REPORT TO CONGRESS.—The Secretary and the Director shall submit to Congress the rules, regulations, or guidelines prescribed under paragraph (1), and any modifications to such rules, regulations, or guidelines—

(A) not later than 30 days after the effective date of such rules, regulations, guidelines, or modifications; and

(B) in a manner and form that will protect the national security interests of the United States.

(e) REPORTS ON POSSIBLE VIOLATIONS.—

(1) REQUIREMENT.—The Secretary and the Director shall each submit, on a timely basis and not less than twice each year, a report to Congress on the circumstances surrounding, and a status report on, any investigation of, or prosecution on account of, a possible violation of the standards specified in subsection (d)(1) by United States Government personnel or by a person providing services to the United States Government on a contract basis.

(2) FORM OF REPORT.—A report required under paragraph (1) shall be submitted in a manner and form that—

(A) will protect the national security interests of the United States; and

(B) will not prejudice any prosecution of an individual alleged to have violated the standards specified in subsection (d)(1).

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Foreign Relations of the Senate and the Committee on Armed Services, the Committee on the Judiciary, and the Committee on International Relations of the House of Representatives.

(2) CONVENTION AGAINST TORTURE.—The term ''Convention Against Torture'' means the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

(3) DIRECTOR.—The term ''Director'' means the Director of National Intelligence.

(4) GENEVA CONVENTIONS.—The term ''Geneva Conventions'' means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

(6) TORTURE.—The term ''torture'' has the meaning given that term in section 2340 of title 18, United States Code.

SEC. 1224. NATIONAL COMMISSION TO REVIEW POLICY REGARDING THE TREATMENT OF DETAINEES.

(a) ESTABLISHMENT OF COMMISSION.—There is established the National Commission To Review Policy Regarding the Treatment of Detainees.

(b) PURPOSES.—The purposes of the Commission are as follows:

(1) To examine and report upon the role of policymakers in the interrogation and detention policies related to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom.

(2) To examine and report on the causes of the alleged mistreatment of detainees by United States personnel and the impact of such mistreatment on the security of the Armed Forces of the United States.

(3) To build upon the reviews of the policies of the United States related to the treatment of individuals detained by the United States, including such reviews conducted by the executive branch, Congress, or other entities.

(c) COMPOSITION OF THE COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 15 members, of whom—

(A) 3 members shall be appointed by the majority leader of the Senate;

(B) 3 members shall be appointed by the Speaker of the House of Representatives;

(C) 3 members shall be appointed by the minority leader of the Senate;

(D) 3 members shall be appointed by the minority leader of the House of Representatives;

(E) 1 member shall be appointed by the Judge Advocate General of the Army;

(F) 1 member shall be appointed by the Judge Advocate General of the Navy; and

(G) 1 member shall be appointed by the Judge Advocate General of the Air Force.

(2) CHAIRPERSON; VICE CHAIRPERSON.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(B) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson may not be from the same political party.

(3) INITIAL MEETING.—Once 10 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(4) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chairperson or a majority of its members. Eight members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) SENSE OF CONGRESS ON QUALIFICATIONS OF COMMISSION MEMBERS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in the fields of intelligence, law enforcement, or foreign affairs, or experience serving the United States Government, including service in the Armed Forces.

(d) FUNCTIONS OF THE COMMISSION.—The functions of the Commission are—

(1) to conduct an investigation that—

(A) investigates the development and implementation of policy relating to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom;

(B) determines whether the United States policy related to the treatment of detained individuals has adversely affected the security of the members of the Armed Forces of the United States;

(C) determines the causes and factors contributing to the alleged abuse of detainees, and whether and to what extent the incidences of abuse of detained individuals has affected the standing of the United States in the world;

(D) determines whether and to what extent leaders of the United States Armed Forces were given the opportunity to comment on and influence policy relating to treatment of detained individuals;

(E) assesses the responsibility of leaders for policies and actions, or failures to act, that may have contributed to the mistreatment of detainees; and

(F) determines whether and to what extent policy relating to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom differed from the policies and practices regarding detainees established by the Armed Forces prior to such operations; and

(2) to submit to the President and Congress such report as is required by this section containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(e) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this section—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses

and the production of such books, records, correspondence, memoranda, cables, electronic messages, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—

(i) ISSUANCE.—Subpoenas issued under subparagraph (A)(ii) may be issued under the signature of the Chairperson of the Commission, the Vice Chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, and may be served by any person designated by the Chairperson, subcommittee chairperson, or member.

(ii) ENFORCEMENT.—

(I) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A)(ii), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(II) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(2) CLOSED MEETINGS.—

(A) IN GENERAL.—Meetings of the Commission may be closed to the public under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.) or other applicable law.

(B) ADDITIONAL AUTHORITY.—In addition to the authority under subparagraph (A), section 10(a)(1) and (3) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any portion of a Commission meeting if the President determines that such portion or portions of that meeting is likely to disclose matters that could endanger national security. If the President makes such determination, the requirements relating to a determination under section 10(d) of that Act shall apply.

(3) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this section. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in subparagraph (A), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(f) STAFF OF THE COMMISSION.—

(1) APPOINTMENT AND COMPENSATION.—The Chairperson and Vice Chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to a member of the Commission.

(3) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(g) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(h) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—The appropriate departments and agencies of the Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

(i) REPORT OF THE COMMISSION.—Not later than 9 months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress a report containing such findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.

(j) TERMINATION.—

(1) TERMINATION.—The Commission, and all the authorities of this section, shall terminate 60 days after the date on which the report is submitted under subsection (i).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission to carry out this section $5,000,000, to remain available until expended.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

SEC. 1231. AFGHANISTAN.

(a) AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.—Section 108(a) the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7518(a)) is amended by striking ''such sums as may be necessary for each of the fiscal years 2005 and 2006'' and inserting ''$2,400,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 and 2009''.

(b) OTHER AUTHORIZATIONS OF APPROPRIATIONS FOR FOREIGN RELATIONS ACTIVITIES.—

(1) FISCAL YEAR 2007.—There are authorized to be appropriated to the President for providing assistance for Afghanistan in a manner consistent with the provisions of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) for fiscal year 2007—

(A) for ''International Military Education and Training'', $1,000,000 to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347);

(B) for ''Foreign Military Financing Program'' grants, $444,000,000 to carry out the provisions of section 23 of the Arms Export Control Act (22 U.S.C. 2763); and

(C) for ''Peacekeeping Operations'', $30,000,000 to carry out the provisions of section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348).

(2) FISCAL YEARS 2008 AND 2009.—

(A) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated for each of the purposes described in subparagraphs (A) through (C) of paragraph (1) such sums as may be necessary for each of the fiscal years 2008 and 2009.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the amount appropriated for each purpose described in subparagraphs (A) through (C) of paragraph (1) for each of the fiscal years 2008 and 2009 should be an amount that is equal to 125 percent of the amount appropriated for such purpose during the preceding fiscal year.

(c) AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—There are authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, for Defense-wide activities, $20,000,000 for support to provisional reconstruction teams in Afghanistan.

(d) OTHER FUNDS.—Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for such purposes.

SEC. 1232. PAKISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) Since September 11, 2001, the Government of Pakistan has been an important partner in helping the United States remove the Taliban regime in Afghanistan and combating international terrorism in the frontier provinces of Pakistan.

(2) There remain a number of critical issues that threaten to disrupt the relationship between the United States and Pakistan, undermine international security, and destabilize Pakistan, including—

(A) curbing the proliferation of nuclear weapons technology;

(B) combating poverty and corruption;

(C) building effective government institutions, especially secular public schools;

(D) promoting democracy and rule of law, particularly at the national level; and

(E) effectively dealing with Islamic extremism.

(b) POLICY.—It is the policy of the United States—

(1) to work with the Government of Pakistan to combat international terrorism, especially in the frontier provinces of Pakistan;

(2) to establish a long-term strategic partnership with the Government of Pakistan to address the issues described in subparagraphs (A) through (E) of subsection (a)(2);

(3) to dramatically increase funding for United States Agency for International Development and Department of State programs that assist Pakistan in addressing such issues, if the Government of Pakistan demonstrates a commitment to building a moderate, democratic state; and

(4) to work with the international community to secure additional financial and political support to effectively implement the policies set forth in this subsection and help to resolve the dispute between the Government of Pakistan and the Government of India over the disputed territory of Kashmir.

(c) STRATEGY ON PAKISTAN.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the long-term strategy of the United States to engage with the Government of Pakistan to address the issues described in subparagraphs (A) through (E) of subsection (a)(2) in order accomplish the goal of building a moderate, democratic Pakistan.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection the term ''appropriate congressional committees'' means—

(A) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(B) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

(d) NUCLEAR PROLIFERATION.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the national security interest of the United States will best be served if the United States develops and implements a long-term strategy to improve the United States relationship with Pakistan and works with the Government of Pakistan to stop nuclear proliferation.

(2) LIMITATION ON ASSISTANCE TO PAKISTAN.—None of the funds appropriated for a fiscal year to provide military or economic assistance to the Government of Pakistan may be made available for such purpose unless the President submits to Congress for such fiscal year a certification that no military or economic assistance provided by the United States to the Government of Pakistan will be provided, either directly or indirectly, to a person that is opposing or undermining the efforts of the United States Government to halt the proliferation of nuclear weapons.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for providing assistance for Pakistan for fiscal year 2007—

(A) for ''Development Assistance'', $50,000,000 to carry out the provisions of section 103, 105, and 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, and 2151d);

(B) for the ''Child Survival and Health Programs Fund'', $35,000,000 to carry out the provisions of sections 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b);

(C) for the ''Economic Support Fund'', $350,000,000 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

(D) for ''International Narcotics and Law Enforcement'', $50,000,000 to carry out the provisions of section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291);

(E) for ''Nonproliferation, Anti-Terrorism, Demining, and Related Programs'', $10,000,000;

(F) for ''International Military Education and Training'', $2,000,000 to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347); and

(G) for ''Foreign Military Financing Program'', $300,000,000 grants to carry of the provision of section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) OTHER FUNDS.—Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for such purposes.

SEC. 1233. SAUDI ARABIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Kingdom of Saudi Arabia has an uneven record in the fight against terrorism, especially with respect to terrorist financing, support for radical madrassas, and a lack of political outlets for its citizens, that poses a threat to the security of the United States, the international community, and the Kingdom of Saudi Arabia itself.

(2) The United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists that operate within that nation or that operate outside Saudi Arabia with the support of citizens of Saudi Arabia.

(3) In order to more effectively combat terrorism, the Government of Saudi Arabia must undertake a number of political and economic reforms, including increasing anti-terrorism operations conducted by law enforcement agencies, providing more political rights to its citizens, increasing the rights of women, engaging in comprehensive educational reform, enhancing monitoring of charitable organizations, promulgating and enforcing domestic laws and regulation on terrorist financing.

(b) POLICY.—It is the policy of the United States—

(1) to engage with the Government of Saudi Arabia to openly confront the issue of terrorism, as well as other problematic issues such as the lack of political freedoms, with the goal of restructuring the relationship on terms that leaders of both nations can publicly support;

(2) to enhance counterterrorism cooperation with the Government of Saudi Arabia, if the political leaders of such Government are committed to making a serious, sustained effort to combat terrorism; and

(3) to support the efforts of the Government of Saudi Arabia to make political, economic, and social reforms throughout the country.

(c) STRATEGY ON SAUDI ARABIA.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the long-term strategy of the United States—

(A) to engage with the Government of Saudi Arabia to facilitate political, economic, and social reforms that will enhance the ability of the Government of Saudi Arabia to combat international terrorism; and

(B) to effectively prevent the financing of terrorists in Saudi Arabia.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection the term ''appropriate congressional committees'' means—

(A) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(B) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

TITLE XIII—PROTECTION FROM TERRORIST ATTACKS THAT UTILIZE NUCLEAR, CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL WEAPONS

Subtitle A—Non-Proliferation Programs

SEC. 1301. REPEAL OF LIMITATIONS TO THREAT REDUCTION ASSISTANCE.

Section 5 of S. 2980 of the 108th Congress (the Nunn-Lugar Cooperative Threat Reduction Act of 2004), as introduced on November 16, 2004, is hereby enacted into law.

SEC. 1302. RUSSIAN TACTICAL NUCLEAR WEAPONS.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the following:

(1) An assessment of the number, location, condition, and security of Russian tactical nuclear weapons.

(2) An assessment of the threat that would be posed by the theft of Russian tactical nuclear weapons.

(3) A plan for developing with Russia a cooperative program to secure, consolidate, and, as appropriate, dismantle Russian tactical nuclear weapons.

(b) PROGRAM.—The Secretary of Defense and the Secretary of Energy shall jointly work with Russia to establish a cooperative program, based on the report under subsection (a), to secure, consolidate, and, as appropriate, dismantle Russian tactical nuclear weapons in order to achieve reductions in the total number of Russian tactical nuclear weapons.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEPARTMENT OF DEFENSE.—There are authorized to be appropriated for the Department of Defense, $25,000,000 to carry out this section.

(2) DEPARTMENT OF ENERGY.—There are authorized to be appropriated for the Department of Energy, $25,000,000 to carry out this section.

SEC. 1303. ADDITIONAL ASSISTANCE TO ACCELERATE NON-PROLIFERATION PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE.—There are authorized to be appropriated to the Department of Defense $105,000,000 for fiscal year 2007 for Cooperative Threat Reduction Activities as follows:

(1) To accelerate security upgrades at nuclear warhead storage sites located in Russia

or another country of the former Soviet Union, $15,000,000.

(2) To accelerate biological weapons proliferation prevention programs in Kazakhstan, Georgia, and Uzbekistan, $15,000,000.

(3) To accelerate destruction of Libyan chemical weapons, materials, and related equipment, $75,000,000.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY.—There are authorized to be appropriated to the Department of Energy $95,000,000 for fiscal year 2007 for nonproliferation activities of the National Nuclear Security Administration as follows:

(1) To accelerate the Global Threat Reduction Initiative, $20,000,000.

(2) To accelerate security upgrades at nuclear warhead storage sites located in Russia or in another country, $15,000,000.

(3) To accelerate the closure of the plutonium producing reactor at Zheleznogorsk, Russia as part of the program to eliminate weapons grade plutonium production, $25,000,000.

(4) To accelerate completion of comprehensive security upgrades at Russian storage sites for weapons-usable nuclear materials, $15,000,000.

(c) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of State $25,000,000 for fiscal year 2007 for nonproliferation activities as follows:

(A) To accelerate engagement of former chemical and biological weapons scientists in Russia and the countries of the former Soviet Union through the Bio-Chem Redirect Program, $15,000,000.

(B) To enhance efforts to combat bioterrorism by transforming the Soviet biological weapons research and production facilities to commercial enterprises through the Bio-Industry Initiative, $10,000,000.

(2) AVAILABILITY OF FUNDS.—The amount authorized to be appropriated by paragraph (1) shall remain available until expended.

SEC. 1304. ADDITIONAL ASSISTANCE TO THE INTERNATIONAL ATOMIC ENERGY AGENCY.

There are authorized to be appropriated to the Department of Energy $20,000,000 to be used to provide technical and other assistance to the International Atomic Energy Agency to support nonproliferation programs. Such amount is in addition to amounts otherwise available for such purpose.

Subtitle B—Border Protection

SEC. 1311. FINDINGS.

Congress makes the following findings:

(1) More than 500,000,000 people cross the borders of the United States at legal points of entry each year, including approximately 330,000,000 people who are not citizens of the United States.

(2) The National Commission on Terrorist Attacks Upon the United States found that 15 of the 19 hijackers involved in the September 11, 2001 terrorist attacks ''were potentially vulnerable to interception by border authorities''.

(3) Officials with the Bureau of Customs and Border Protection and with the Bureau of Immigration and Customs Enforcement have stated that there is a shortage of agents in such Bureaus. Due to an inadequate budget, the Bureau of Immigration and Customs Enforcement has effected a hiring freeze since March 2004, and the Bureau has not made public any plans to end this freeze.

SEC. 1312. HIRING AND TRAINING OF BORDER SECURITY PERSONNEL.

(a) INSPECTORS AND AGENTS.—

(1) INCREASE IN INSPECTORS AND AGENTS.—During each of fiscal years 2007 through 2010, the Secretary of Homeland Security shall—

(A) increase the number of full-time agents and associated support staff in the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees in the Bureau as of the end of the preceding fiscal year; and

(B) increase the number of full-time inspectors and associated support staff in the Bureau of Customs and Border Protection by the equivalent of at least 200 more than the number of such employees in the Bureau as of the end of the preceding fiscal year.

(2) WAIVER OF FTE LIMITATION.—The Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) TRAINING.—The Secretary shall provide appropriate training for agents, inspectors, and associated support staff on an ongoing basis to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

Subtitle C—First Responders

SEC. 1321. FINDINGS.

Congress makes the following findings:

(1) In a report entitled ''Emergency First Responders: Drastically Underfunded, Dangerously Unprepared'', an independent task force sponsored by the Council on Foreign Relations found that ''America's local emergency responders will always be the first to confront a terrorist incident and will play the central role in managing its immediate consequences. Their efforts in the first minutes and hours following an attack will be critical to saving lives, establishing order, and preventing mass panic. The United States has both a responsibility and a critical need to provide them with the equipment, training, and other resources necessary to do their jobs safely and effectively.''.

(2) The task force further concluded that many state and local emergency responders, including police officers and firefighters, lack the equipment and training needed to respond effectively to a terrorist attack involving weapons of mass destruction.

(3) The Federal Government has a responsibility to ensure that the people of the United States are protected to the greatest possible extent against a terrorist attack, especially an attack that utilizes nuclear, chemical, biological, or radiological weapons, and consequently, the Federal Government has a critical responsibility to address the equipment, training, and other needs of State and local first responders.

SEC. 1322. RESTORATION OF JUSTICE ASSISTANCE FUNDING.

(a) FINDINGS.—Congress makes the following findings:

(1) State and local police officers, firefighters, and emergency responders play an essential role in the efforts of the United States to prevent terrorist attacks and, if an attack occurred, to address the effects of the attack.

(2) An independent task force has concluded that hundreds of local police offices and firefighting and emergency response units throughout the United States are unprepared for responding to a terrorist attack involving nuclear, chemical, biological, or radiological weapons.

(3) The Edward Byrne Memorial Justice Assistance Grant Program provides critical Federal support for personnel, equipment, training, and technical assistance for the homeland security responsibilities of local law enforcement offices.

(4) The Consolidated Appropriations Act, 2005 (Public Law 108–447) appropriated funding for the Edward Byrne Memorial Justice Assistance Grant Program, a program that resulted from the combination of the Edward Byrne Memorial Grant Program and the Local Law Enforcement Block Grant Program.

(5) Funding for the Edward Byrne Memorial Justice Assistance Grant Program, as provided in the Consolidated Appropriations Act, 2005, has been reduced by nearly 50 percent since fiscal year 2002.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should request in the annual budget proposal, and Congress should appropriate, the full amount authorized to be appropriated in subsection (c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Edward Byrne Memorial Justice Assistance Grant Program—

(1) for fiscal year 2007, $1,250,000,000;

(2) for fiscal year 2008, $1,400,000,000; and

(3) for fiscal year 2009, $1,600,000,000.

SEC. 1323. PROVIDING RELIABLE OFFICERS, TECHNOLOGY, EDUCATION, COMMUNITY PROSECUTORS, AND TRAINING IN OUR NEIGHBORHOOD INITIATIVE.

(a) COPS PROGRAM.—Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended—

(1) by inserting ''and prosecutor'' after ''increase police''; and

(2) by inserting ''to enhance law enforcement access to new technologies, and'' after ''presence,''.

(b) HIRING AND REDEPLOYMENT GRANT PROJECTS.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by inserting after ''Nation'' the following: '', or pay overtime to existing career law enforcement officers to the extent that such overtime is devoted to community policing efforts''; and

(ii) by striking ''and'' at the end;

(B) in subparagraph (C)—

(i) by striking ''or pay overtime''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) promote higher education among in-service State and local law enforcement officers by reimbursing them for the costs associated with seeking a college or graduate school education.''; and

(2) in paragraph (2), by striking all that follows ''SUPPORT SYSTEMS.—'' and inserting ''Grants pursuant to—

''(A) paragraph (1)(B) for overtime may not exceed 25 percent of the funds available for grants pursuant to this subsection for any fiscal year;

''(B) paragraph (1)(C) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year; and

''(C) paragraph (1)(D) may not exceed 5 percent of the funds available for grants pursuant to this subsection for any fiscal year.''.

(c) ADDITIONAL GRANT PROJECTS.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (2)—

(A) by inserting ''integrity and ethics'' after ''specialized''; and

(B) by inserting ''and'' after ''enforcement officers'';

(2) in paragraph (7), by inserting ''school officials, religiously-affiliated organizations,'' after ''enforcement officers'';

(3) by striking paragraph (8) and inserting the following:

''(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;'';

(4) in paragraph (10), by striking ''and'' at the end;

(5) in paragraph (11), by striking the period that appears at the end and inserting ''; and''; and

(6) by adding at the end the following:

''(12) develop and implement innovative programs (such as the TRIAD program) that bring together a community's sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.''.

(d) TECHNICAL ASSISTANCE.—Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended—

(1) in paragraph (1)—

(A) by inserting ''use up to 5 percent of the funds appropriated under subsection (a) to'' after ''The Attorney General may''; and

(B) by inserting at the end the following: ''In addition, the Attorney General may use up to 5 percent of the funds appropriated under subsections (d), (e), and (f) for technical assistance and training to States, units of local government, Indian tribal governments, and to other public and private entities for those respective purposes.'';

(2) in paragraph (2), by inserting ''under subsection (a)'' after ''the Attorney General''; and

(3) in paragraph (3)—

(A) by striking ''the Attorney General may'' and inserting ''the Attorney General shall'';

(B) by inserting ''regional community policing institutes'' after ''operation of''; and

(C) by inserting ''representatives of police labor and management organizations, community residents,'' after ''supervisors,''.

(e) TECHNOLOGY AND PROSECUTION PROGRAMS.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by striking subsection (k);

(2) by redesignating subsections (f) through (j) as subsections (g) through (k); and

(3) by striking subsection (e) and inserting the following:

''(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—Grants made under subsection (a) may be used to assist police departments, in employing professional, scientific, and technological advancements that will help them—

''(1) improve police communications through the use of wireless communications, computers, software, videocams, databases and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

''(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

''(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information—including non-criminal justice data—to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage in regional crime analysis.

''(f) COMMUNITY-BASED PROSECUTION PROGRAM.—Grants made under subsection (a) may be used to assist State, local or tribal prosecutors' offices in the implementation of community-based prosecution programs that build on local community policing efforts. Funds made available under this subsection may be used to—

''(1) hire additional prosecutors who will be assigned to community prosecution programs, including programs that assign prosecutors to handle cases from specific geographic areas, to address specific violent crime and other local crime problems (including intensive illegal gang, gun and drug enforcement projects and quality of life initiatives), and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

''(2) redeploy existing prosecutors to community prosecution programs as described in paragraph (1) of this section by hiring victim and witness coordinators, paralegals, community outreach, and other such personnel; and

''(3) establish programs to assist local prosecutors' offices in the implementation of programs that help them identify and respond to priority crime problems in a community with specifically tailored solutions.

At least 75 percent of the funds made available under this subsection shall be reserved for grants under paragraphs (1) and (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2) and at least 25 percent of the funds shall be reserved for grants under paragraphs (1) and (2) to units of local government with a population of less than 50,000.''.

(f) RETENTION GRANTS.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended by adding at the end the following:

''(d) RETENTION GRANTS.—The Attorney General may use no more than 50 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing, with preference to those that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b)(1).''.

(g) DEFINITIONS.—

(1) CAREER LAW ENFORCEMENT OFFICER.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended by inserting after ''criminal laws'' the following: ''including sheriffs deputies charged with supervising offenders who are released into the community but also engaged in local community policing efforts.''.

(2) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended—

(A) by striking subparagraph (A) and inserting the following:

''(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;'';

(B) by striking subparagraph (E) and inserting the following:

''(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;''; and

(C) by adding at the end the following:

''(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

''(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

''(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

''(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.''.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) by amending subparagraph (A) to read as follows:

''(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

''(i) $1,150,000,000 for fiscal year 2007;

''(ii) $1,150,000,000 for fiscal year 2008;

''(iii) $1,150,000,000 for fiscal year 2009;

''(iv) $1,150,000,000 for fiscal year 2010;

''(v) $1,150,000,000 for fiscal year 2011; and

''(vi) $1,150,000,000 for fiscal year 2012.''; and

(2) in subparagraph (B)—

(A) by striking ''3 percent'' and inserting ''5 percent'';

(B) by striking ''1701(f)'' and inserting ''1701(g)'';

(C) by striking the second sentence and inserting ''Of the remaining funds, if there is a demand for 50 percent of appropriated hiring funds, as determined by eligible hiring applications from law enforcement agencies having jurisdiction over areas with populations exceeding 150,000, no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations less than 150,000 or by public and private entities that serve areas with populations less than 150,000.'';

(D) by striking ''85 percent'' and inserting ''$600,000,000''; and

(E) by striking ''1701(b),'' and all that follows through ''of part Q'' and inserting the following: ''1701 (b) and (c), $350,000,000 to grants for the purposes specified in section 1701(e), and $200,000,000 to grants for the purposes specified in section 1701(f).''.

TITLE XIV—PROTECTING TAXPAYERS

SEC. 1401. REPORTS ON METRICS FOR MEASURING SUCCESS IN GLOBAL WAR ON TERRORISM.

(a) REQUIREMENT FOR REPORTS.—The Comptroller General of the United States shall submit to Congress reports on the metrics for use in tracking and measuring acts of global terrorism, international

counterterrorism efforts, and the success of United States counterterrorism policies and practices including specific, replicable definitions, criteria, and standards of measurement to be used for the following:

(1) Counting and categorizing acts of international terrorism.

(2) Monitoring counterterrorism efforts of foreign governments.

(3) Monitoring financial support provided to terrorist groups.

(4) Assessing the success of United States counterterrorism policies and practices.

(b) SCHEDULE OF REPORTS.—The Comptroller General shall submit to Congress an initial report under subsection (a) not later than 1 year after the date of the enactment of this Act and a second report not later than 1 year after the date on which the initial report is submitted.

SEC. 1402. PROHIBITION ON PROFITEERING.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts

''(a) PROHIBITION.—

''(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with a war, military action, or relief or reconstruction activities within the jurisdiction of the United States Government, knowingly and willfully—

''(A)(i) executes or attempts to execute a scheme or artifice to defraud the United States; or

''(ii) materially overvalues any good or service with the specific intent to defraud and excessively profit from the war, military action, or relief or reconstruction activities;

shall be fined under paragraph (2), imprisoned not more than 20 years, or both; or

''(B)(i) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(ii) makes any materially false, fictitious, or fraudulent statements or representations; or

''(iii) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry;

shall be fined under paragraph (2) imprisoned not more than 10 years, or both.

''(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

''(A) $1,000,000; or

''(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts.''.

(b) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting ''1039,'' after ''1032,''.

(c) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1039''.

(d) RICO.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: '', section 1039 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts)'' after ''liquidating agent of financial institution),''.

TITLE XV—OTHER MATTERS

SEC. 1501. SENSE OF CONGRESS ON MILITARY COMMISSIONS FOR THE TRIAL OF PERSONS DETAINED IN THE GLOBAL WAR ON TERRORISM.

(a) FINDINGS.—Congress makes the following findings:

(1) The Constitution of the United States grants to Congress the power ''To define and punish . . . Offenses against the Law of Nations'', as well as the power ''To declare War . . . To raise and support Armies . . . [and] To provide and maintain a Navy.''.

(2) On November 13, 2001, the President issued a military order establishing military commissions to try individuals detained in the global war on terrorism.

(3) On June 29, 2006, the Supreme Court held in *Hamdan v. Rumsfeld* (126 S. Ct. 2749 (2006)) that—

(A) the authority to establish military commissions ''can derive only from the powers granted jointly to the President and Congress in time of war'';

(B) the military commission established by the President to try Hamdan ''lacks the power to proceed'' because the procedures governing the commission departed impermissibly from the procedures governing courts martial and the requirements of Common Article 3 of the Geneva Conventions; and

(C) procedures governing military commissions may depart from the procedures governing courts martial ''only if some practical need explains deviations from court-martial practice''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) aliens detained by the United States who are alleged to have violated the law of war should be tried for their offenses;

(2) it is in the national interest for Congress to exercise its authority under the Constitution to enact legislation authorizing and regulating the use of military commissions to try and punish offenders against the law of war;

(3) procedures established by Congress for the use of military commissions should be consistent with the decision of the Supreme Court in *Hamdan v. Rumsfeld*;

(4) in drafting legislation for the use of military commissions, the Committees on Armed Services of the Senate and the House of Representatives should take into account the views of professional military lawyers who have experience in prosecuting, defending, and judging cases under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice);

(5) the Committee on Armed Services of the Senate is drafting a bipartisan proposal on military commissions that reflects the views of senior military lawyers, and this process must be allowed to move forward; and

(6) as the Judge Advocate General of the Navy explained in testimony before the Committee on Armed Services of the Senate on July 13, 2006, ''[w]e need to think in terms of the long view, and to always put our own sailors, soldiers, Marines, and airmen in the place of an accused when we're drafting these rules to ensure that these rules are acceptable when we have someone in a future war who faces similar rules''.

DIVISION C—INTELLIGENCE AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Intelligence Authorization Act for Fiscal Year 2007''.

TITLE XXI—INTELLIGENCE ACTIVITIES

SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

(16) The Drug Enforcement Administration.

SEC. 2102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 2101, and the authorized personnel ceilings as of September 30, 2007, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Ninth Congress and in the Classified Annex to such report as incorporated in this division under section 2103.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 2103. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Select Committee on Intelligence of the Senate to accompany its report on the bill S. ____ of the One Hundred Ninth Congress and transmitted to the President is hereby incorporated into this division.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF DIVISION.—Unless otherwise specifically stated, the amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this division.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this division that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate

distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 2104. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2007 under section 2102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 2105. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2007 the sum of $648,952,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 2102(a) for advanced research and development shall remain available until September 30, 2008.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1,575 full-time personnel as of September 30, 2007. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2007 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 2102(a). Such additional amounts for research and development shall remain available until September 30, 2008.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2007, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2007 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

SEC. 2106. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill _____ of the One Hundred Ninth Congress, or in the classified annex to this division, is hereby incorporated into this division, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 2107. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2006 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

(c) STUDY ON DISCLOSURE OF ADDITIONAL INFORMATION.—

(1) IN GENERAL.—The Director of National Intelligence shall conduct a study to assess the advisability of disclosing to the public amounts as follows:

(A) The aggregate amount of appropriations requested in the budget of the President for each fiscal year for each element of the intelligence community.

(B) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for each fiscal year for each element of the intelligence community.

(2) REQUIREMENTS.—The study required by paragraph (1) shall—

(A) address whether or not the disclosure to the public of the information referred to in that paragraph would harm the national security of the United States; and

(B) take into specific account concerns relating to the disclosure of such information for each element of the intelligence community.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to Congress a report on the study required by paragraph (1).

SEC. 2108. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

''RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

''SEC. 508. (a) REQUESTS OF COMMITTEES.—The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall, not later than 15 days after receiving a request for any intelligence assessment, report, estimate, legal opinion, or other intelligence information from the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, or any other committee of Congress with jurisdiction over the subject matter to which information in such assessment, report, estimate, legal opinion, or other information relates, make available to such committee such assessment, report, estimate, legal opinion, or other information, as the case may be.

''(b) REQUESTS OF CERTAIN MEMBERS.—(1) The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) Upon making a request covered by paragraph (1)—

''(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the other of the Chairman or Vice Chairman of such request; and

''(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.

''(c) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a) or (b), the Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new item:

''Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.''.

TITLE XXII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 2201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2007 the sum of $256,400,000.

TITLE XXIII—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 2301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 2302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 2303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking ''other'' the second place it appears.

SEC. 2304. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) CLARIFICATION OF DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES TO INCLUDE ALL MEMBERS OF COMMITTEES.—Section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) is amended—

(1) in subparagraph (A), by inserting '', and includes each member of the Select Committee'' before the semicolon; and

(2) in subparagraph (B), by inserting '', and includes each member of the Permanent Select Committee'' before the period.

(b) NOTICE ON INFORMATION NOT DISCLOSED.—

(1) IN GENERAL.—Section 502 of such Act (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) NOTICE ON INFORMATION NOT DISCLOSED.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees and requests that such information not be provided in full or to all members of the congressional intelligence committees, the Director shall, in a timely fashion—

''(A) notify all the members of such committees of the determination not to provide such information in full or to all members of such committees, as the case may be, including a statement of the reasons for such determination; and

''(B) submit, in writing, to all the members of such committees a summary of the intelligence activities covered by such determination that provides sufficient information to permit such members to assess the legality, benefits, costs, and advisability of such activities.

''(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.''.

(2) CONFORMING AMENDMENT.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''.

(c) REPORTS AND NOTICE ON COVERT ACTIONS.—

(1) FORM AND CONTENT OF CERTAIN REPORTS.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' after ''(b)''; and

(C) by adding at the end the following new paragraph:

''(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

''(A) A concise statement of any facts pertinent to such report.

''(B) An explanation of the significance of the covert action covered by such report.''.

(2) NOTICE ON INFORMATION NOT DISCLOSED.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

''(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b)(2) in full or to all the members of the congressional intelligence committees, and requests that such information not be provided in full or to all members of the congressional intelligence committees, for the reason specified in paragraph (2), the Director shall, in a timely fashion—

''(A) notify all the members of such committees of the determination not to provide such information in full or to all members of such committees, as the case may be, including a statement of the reasons for such determination; and

''(B) submit, in writing, to all the members of such committees a summary of the covert action covered by such determination that provides sufficient information to permit such members to assess the legality, benefits, costs, and advisability of such covert action.''.

(3) MODIFICATION OF NATURE OF CHANGE OF COVERT ACTION TRIGGERING NOTICE REQUIREMENTS.—Subsection (d) of such section is amended by striking ''significant'' the first place it appears.

SEC. 2305. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting ''(1)'' before ''The Director'';

(2) in paragraph (1), by striking ''may only delegate'' and all that follows and inserting ''may delegate the authority in subsection (a) to the head of any other element of the intelligence community.''; and

(3) by adding at the end the following new paragraph:

''(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.''.

(b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 2306. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

''(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and''.

SEC. 2307. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), by inserting ''the congressional intelligence committees have been fully and currently informed of such activity and if'' after ''only if'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) In any case in which notice to the congressional intelligence committees on an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.''.

SEC. 2308. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(b) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''ten years''.

SEC. 2309. RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

''RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

''SEC. 1103. (a) AUTHORITY TO RETAIN AMOUNTS PAID.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the head of an element of the intelligence community may retain amounts paid or reimbursed to the United States, including amounts paid by an employee of the Federal Government from personal funds, for repayment of a debt owed to the element of the intelligence community.

''(b) CREDITING OF AMOUNTS RETAINED.—(1) Amounts retained under subsection (a) shall be credited to the current appropriation or account from which such funds were derived or whose expenditure formed the basis for the underlying activity from which the debt concerned arose.

''(2) Amounts credited to an appropriation or account under paragraph (1) shall be merged with amounts in such appropriation or account, and shall be available in accordance with subsection (c).

''(c) AVAILABILITY OF AMOUNTS.—Amounts credited to an appropriation or account under subsection (b) with respect to a debt owed to an element of the intelligence community shall be available to the head of such element, for such time as is applicable to amounts in such appropriation or account, or such longer time as may be provided by law, for purposes as follows:

''(1) In the case of a debt arising from lost or damaged property of such element, the repair of such property or the replacement of such property with alternative property that will perform the same or similar functions as such property.

''(2) The funding of any other activities authorized to be funded by such appropriation or account.

''(d) DEBT OWED TO AN ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term 'debt owed to an element of the intelligence community' means any of the following:

''(1) A debt owed to an element of the intelligence community by an employee or former employee of such element for the negligent or willful loss of or damage to property of such element that was procured by such element using appropriated funds.

''(2) A debt owed to an element of the intelligence community by an employee or former employee of such element as repayment for default on the terms and conditions associated with a scholarship, fellowship, or other educational assistance provided to such individual by such element, whether in exchange for future services or otherwise, using appropriated funds.

''(3) Any other debt or repayment owed to an element of the intelligence community by a private person or entity by reason of the negligent or willful action of such person or entity, as determined by a court of competent jurisdiction or in a lawful administrative proceeding.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new item:

''Sec. 1103. Retention and use of amounts paid as debts to elements of the intelligence community.''.

SEC. 2310. PILOT PROGRAM ON DISCLOSURE OF RECORDS UNDER THE PRIVACY ACT RELATING TO CERTAIN INTELLIGENCE ACTIVITIES.

(a) IN GENERAL.—Subsection (b) of section 552a of title 5, United States Code, is amended—

(1) in paragraph (11), by striking ''or'' at the end;

(2) in paragraph (12), by striking the period and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(13) to an element of the intelligence community set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))—

''(A) by another element of the intelligence community that maintains the record, if the record is relevant to a lawful and authorized foreign intelligence or counterintelligence activity conducted by the receiving element of the intelligence community and pertains to an identifiable individual or, upon the authorization of the Director of National Intelligence (or a designee of the Director in a position not lower than Deputy Director of National Intelligence), other than an identifiable individual; or

''(B) by any other agency that maintains the record, if—

''(i) the head of the element of the intelligence community makes a written request to that agency specifying the particular portion of the record that is relevant to a lawful and authorized activity of the element of the intelligence community to protect against international terrorism or the proliferation of weapons of mass destruction; or

''(ii) the head of that agency determines that—

''(I) the record, or particular portion thereof, constitutes terrorism information (as that term is defined in section 1016(a)(4) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458)) or information concerning the proliferation of weapons of mass destruction; and

''(II) the disclosure of the record, or particular portion thereof, will be to an element of the intelligence community authorized to collect and analyze foreign intelligence or counterintelligence information related to international terrorism or the proliferation of weapons of mass destruction.''.

(b) EXEMPTION FROM CERTAIN PRIVACY ACT REQUIREMENTS FOR RECORD ACCESS AND ACCOUNTING FOR DISCLOSURES.—Elements of the intelligence community set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) receiving a disclosure under subsection (b)(13) of section 552a of title 5, United States Code, shall not be required to comply with subsection (c)(3), (c)(4), or (d) of such section 552a with respect to such disclosure, or the records, or portions thereof, disclosed under subsection (b)(13) of such section 552a.

(c) CONSULTATION ON DETERMINATIONS OF INFORMATION TYPE.—Such section is further amended by adding at the end the following new subsection:

''(w) AUTHORITY TO CONSULT ON DETERMINATIONS OF INFORMATION TYPE.—When determining for purposes of subsection (b)(13)(B)(ii) whether a record constitutes terrorism information (as that term is defined in section 1016(a)(4)) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3665)) or information concerning the proliferation of weapons of mass destruction, the head of an agency may consult with the Director of National Intelligence or the Attorney General.''.

(d) CONSTRUCTION.—Nothing in the amendments made by this section shall be deemed to constitute authority for the receipt, collection, or retention of information unless the receipt, collection, or retention of such information by the element of the intelligence community concerned is otherwise authorized by the Constitution, laws, or Executive orders of the United States.

(e) RECORDKEEPING REQUIREMENTS.—

(1) RETENTION OF REQUESTS.—Any request made by the head of an element of the intelligence community to another department or agency of the Federal Government under paragraph (13)(B)(i) of section 552a(b) of title 5, United States Code (as added by subsection (a)), shall be retained by such element of the intelligence community in a manner consistent with the protection of intelligence sources and methods. Any request so retained should be accompanied by an explanation that supports the assertion of the element of the intelligence community requesting the record that the information was, at the time of request, relevant to a lawful and authorized activity to protect against international terrorism or the proliferation of weapons of mass destruction.

(2) ACCESS TO RETAINED REQUESTS.—An element of the intelligence community retaining a request, and any accompanying explanation, under paragraph (1) shall, consistent with the protection of intelligence sources and methods, provide access to such request, and any accompanying explanation, to the following:

(A) The head of the department or agency of the Federal Government receiving such request, or the designee of the head of such department or agency, if—

(i) the access of such official to such request, and any accompanying explanation, is consistent with the protection of intelligence sources and methods;

(ii) such official is appropriately cleared for access to such request, and any accompanying explanation; and

(iii) the access of such official to such request, and any accompanying explanation, is necessary for the performance of the duties of such official.

(B) The Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives.

(C) The Inspector General of any element of the intelligence community having jurisdiction over the matter.

(f) REPORTS.—

(1) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter through the termination of this section and the amendments made by this section under subsection (j), the Director of National Intelligence and the Attorney General, in coordination with the Privacy and Civil Liberties Oversight Board, shall jointly submit to the appropriate committees of Congress a report on the administration of this section and the amendments made by this section.

(2) FINAL REPORT.—Not later than six months before the date specified in subsection (j), the Director of National Intelligence and the Attorney General, in coordination with the Privacy and Civil Liberties Oversight Board, shall jointly submit to the appropriate committees of Congress a report on administration of this section and the amendments made by this section. The report shall include the recommendations of the Director and the Attorney General, as they consider appropriate, regarding the continuation in effect of such amendments after such date.

(3) REVIEW AND REPORT BY PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Not later than six months before the date specified in subsection (j), the Privacy and Civil Liberties Oversight Board shall—

(A) review the administration of the amendments made by this section; and

(B) in a manner consistent with section 1061(c)(1) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3684; 5 U.S.C. 601 note), submit to the appropriate committees of Congress a report providing such advice and counsel on the administration of this section and the amendments made by this section as the Board considers appropriate.

(4) FORM OF REPORTS.—Each report under this subsection shall, to the maximum extent practicable, be submitted in unclassified form. Any classified annex included with such a report shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(g) GUIDELINES.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Attorney General and the Director of National Intelligence shall, in consultation with the Secretary of Defense and other appropriate officials, jointly prescribe guidelines governing the implementation and exercise of the authorities provided in this section and the amendments made by this section.

(2) ELEMENTS.—The guidelines prescribed under paragraph (1) shall—

(A) ensure that the authorities provided under paragraph (13) of section 552a(b) of title 5, United States Code (as added by subsection (a)), are implemented in a manner that protects the rights under the Constitution of United States persons;

(B) direct that all applicable policies and procedures governing the receipt, collection, retention, analysis, and dissemination of foreign intelligence information concerning United States persons are appropriately followed; and

(C) provide that the authorities provided under paragraph (13) of section 552a(b) of title 5, United States Code (as so added), are

implemented in a manner consistent with existing laws, regulations, and Executive orders governing the conduct of intelligence activities.

(3) FORM.—The guidelines prescribed under paragraph (1) shall be unclassified, to the maximum extent practicable, but may include a classified annex.

(4) SUBMITTAL TO CONGRESS.—The guidelines prescribed under paragraph (1) shall be submitted to the appropriate committees of Congress. Any classified annex included with such guidelines shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of the issuance of the guidelines required by subsection (g).

(2) CERTAIN REQUIREMENTS.—Subsections (f) and (g) shall take effect on the date of the enactment of this Act.

(i) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives.

(j) TERMINATION.—This section and the amendments made by this section shall cease to have effect on the date that is three years after the date of the issuance of the guidelines required by subsection (g).

SEC. 2311. EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

''(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence.

''(C) In this paragraph, the term 'element of the intelligence community' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 2312. AVAILABILITY OF FUNDS FOR TRAVEL AND TRANSPORTATION OF PERSONAL EFFECTS, HOUSEHOLD GOODS, AND AUTOMOBILES.

(a) FUNDS OF OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.—Funds appropriated to the Office of the Director of National Intelligence and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(b) FUNDS OF CENTRAL INTELLIGENCE AGENCY.—Funds appropriated to the Central Intelligence Agency and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(c) TRAVEL AND TRANSPORTATION EXPENSES DEFINED.—In this section, the term ''travel and transportation expenses'' means the following:

(1) Expenses in connection with travel of personnel, including travel of dependents.

(2) Expenses in connection with transportation of personal effects, household goods, or automobiles of personnel.

SEC. 2313. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal opinions of any office or official of the Department of Justice about the meaning or application of Detainee Treatment Act of 2005 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) DEFINITIONS.—In this section:

(1) The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee of the House of Representatives.

(2) The term ''intelligence community'' means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 2314. REPORT ON ALLEGED CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(a) IN GENERAL.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) ELEMENTS.—The report required by paragraph (1) shall set forth, for each prison or facility, if any, covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility and a determination, in coordination with other appropriate officials, on whether such procedures are or were in compliance with United States obligations under the Geneva Conventions and the Convention Against Torture.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.

SEC. 2315. SENSE OF CONGRESS ON ELECTRONIC SURVEILLANCE.

(a) FINDINGS.—Congress makes the following findings:

(1) United States government authorities should have the legal authority to engage in electronic surveillance of any telephone conversation in which one party is reasonably believed to be a member or agent of a terrorist organization.

(2) Absent emergency or other appropriate circumstances, domestic electronic surveillance should be subject to judicial review in order to protect the privacy of law abiding Americans with no ties to terrorism.

(3) The Foreign Intelligence Surveillance Act of 1978 (FISA) authorizes the President to obtain a warrant for the electronic surveillance of any telephone conversation in which one party is reasonably believed to be a member or agent of a terrorist organization. That Act also establishes procedures for engaging in electronic surveillance without a warrant on a temporary basis when emergency circumstances make obtaining a warrant impractical.

(4) During the quarter century since the enactment of the Foreign Intelligence Surveillance Act of 1978, the Foreign Intelligence Surveillance Court has issued a warrant for electronic surveillance in response

to all but 5 of the approximately 19,000 applications for such a warrant.

(5) Congress has amended the Foreign Intelligence Surveillance Act of 1978 numerous times, including six times since September 11, 2001, to streamline the procedures for obtaining a warrant from the Foreign Intelligence Surveillance Court.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives must be fully briefed on the history, operation, and usefulness of the warrantless wiretapping program carried out by the National Security Agency;

(2) Congress should modify the Foreign Intelligence Surveillance Act of 1978 as needed to ensure that the government may engage in electronic surveillance of telephone conversations in which one party is reasonably believed to be a member or agent of a terrorist organization;

(3) the requirement that the government must, absent emergency or other appropriate circumstances, obtain a judicial warrant prior to engaging in electronic surveillance of a United States person should remain in place to protect the privacy of law abiding Americans with no ties to terrorism; and

(4) the President is not above the law and must abide by congressionally-enacted procedures for engaging in electronic surveillance.

TITLE XXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 2401. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following the following new subparagraphs:

''(G) in carrying out this subsection, have the authority—

''(i) to direct the development, deployment, and utilization of systems of common concern for elements of the intelligence community, or that support the activities of such elements, related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

''(ii) without regard to any provision of law relating to the transfer, reprogramming, obligation, or expenditure of funds, other than the provisions of this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458), to expend funds for purposes associated with the development, deployment, and utilization of such systems, which funds may be received and utilized by any department, agency, or other element of the United States Government for such purposes; and

''(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).''.

SEC. 2402. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting before the period the following: '', any Deputy Director of National Intelligence, or the Chief Information Officer of the Intelligence Community''.

SEC. 2403. AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE TO MANAGE ACCESS TO HUMAN INTELLIGENCE INFORMATION.

Section 102A(b) of the National Security Act of 1947 (50 U.S.C. 403–1(b)) is amended—

(1) by inserting ''(1)'' before ''Unless''; and

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

''(2) The Director of National Intelligence shall—

''(A) have access to all national intelligence, including intelligence reports, operational data, and other associated information, concerning the human intelligence operations of any element of the intelligence community authorized to undertake such collection;

''(B) consistent with the protection of intelligence sources and methods and applicable requirements in Executive Order 12333 (or any successor order) regarding the retention and dissemination of information concerning United States persons, ensure maximum access to the intelligence information contained in the information referred to in subparagraph (A) throughout the intelligence community; and

''(C) consistent with subparagraph (B), provide within the Office of the Director of National Intelligence a mechanism for intelligence community analysts and other officers with appropriate clearances and an official need-to-know to gain access to information referred to in subparagraph (A) or (B) when relevant to their official responsibilities.''.

SEC. 2404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—(1) Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in clause (i) or (ii) of subparagraph (A), in the performance of the responsibilities, authorities, and duties of the Director of National Intelligence or the Office of the Director of National Intelligence—

''(A) the Director may authorize the use of interagency financing for—

''(i) national intelligence centers established by the Director under section 119B; and

''(ii) boards, commissions, councils, committees, and similar groups established by the Director; and

''(B) upon the authorization of the Director, any department, agency, or element of the United States Government, including any element of the intelligence community, may fund or participate in the funding of such activities.

''(2) No provision of law enacted after the date of the enactment of this subsection shall be deemed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.''.

SEC. 2405. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(1) by striking ''**WITH**'' and inserting ''**OF HEADQUARTERS WITH HEADQUARTERS OF**'';

(2) by inserting ''the headquarters of'' before ''the Office''; and

(3) by striking ''any other element'' and inserting ''the headquarters of any other element''.

SEC. 2406. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting ''and prioritize'' after ''coordinate''; and

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

''(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.''.

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—That section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) by redesignating paragraph (5) as paragraph (8); and

(C) by inserting after paragraph (4) the following new paragraphs:

''(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community;

''(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

''(7) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and''; and

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

''(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

''(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

''(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

''(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

''(A) are consistent with current or future national intelligence requirements;

''(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

''(C) take into account funding constraints in program development and acquisition; and

''(D) address system requirements from collection to final dissemination (also known as 'end-to-end architecture').''.

(c) REPORT.—(1) Not later than June 30, 2007, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) The report shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) The report may be submitted in classified form.

SEC. 2407. APPOINTMENT AND TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) APPOINTMENT.—

(1) IN GENERAL.—Subsection (a) of section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended by striking ''the President, by and with the advice and consent of the Senate'' and inserting ''the Director of National Intelligence''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any appointment of an individual as Chief Information Officer of the Intelligence Community that is made on or after that date.

(b) TITLE.—Such section is further amended—

(1) in subsection (a), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(2) in subsection (b), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(3) in subsection (c), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(4) in subsection (d), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'' the first place it appears.

SEC. 2408. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

''(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

''(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits relating to—

''(A) the programs and operations of the intelligence community;

''(B) the elements of the intelligence community within the National Intelligence Program; and

''(C) the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community;

''(2) recommend policies designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and operations, and in such relationships; and

''(B) to prevent and detect fraud and abuse in such programs, operations, and relationships;

''(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

''(A) significant problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

''(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

''(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

''(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

''(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to the programs and operations of the intelligence community, the elements of the intelligence community within the National Intelligence Program, and the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community to ensure they are conducted efficiently and in accordance with applicable law and regulations;

''(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and in such relationships, and to report the progress made in implementing corrective action;

''(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

''(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

''(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

''(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

''(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

''(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

''(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

''(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

''(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

''(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the

complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve which Inspector General shall conduct such investigation, inspection, or audit.

''(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

''(3)(A) If an investigation, inspection, or audit covered by paragraph (1) is conducted by an Inspector General other than the Inspector General of the Intelligence Community, the Inspector General of the Intelligence Community may, upon completion of such investigation, inspection, or audit by such other Inspector General, conduct under this section a separate investigation, inspection, or audit of the matter concerned if the Inspector General of the Intelligence Community determines that such initial investigation, inspection, or audit was deficient in some manner or that further investigation, inspection, or audit is required.

''(B) This paragraph shall not apply to the Inspector General of the Department of Defense or to any other Inspector General within the Department of Defense.

''(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

''(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively.

''(B) Each report under this paragraph shall include, at a minimum, the following:

''(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

''(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

''(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

''(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

''(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

''(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and operations undertaken by the intelligence community, and in the relationships between elements of the intelligence community, and to detect and eliminate fraud and abuse in such programs and operations and in such relationships.

''(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration and implementation of programs or operations of the intelligence community or in the relationships between elements of the intelligence community.

''(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

''(3) In the event that—

''(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

''(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

''(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

''(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

''(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

''(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

''(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

''(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

''(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

''(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.''.

(2) The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Inspector General of the Intelligence Community.''.

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Inspector General of the Intelligence Community.''.

SEC. 2409. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking ''(a) ESTABLISHMENT.—'' and inserting the following:

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The''; and

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

''(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

''(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.''.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

''(9) The Chief Information Officer of the Intelligence Community.

''(10) The Inspector General of the Intelligence Community.

''(11) The Director of the National Counterterrorism Center.

''(12) The Director of the National Counter Proliferation Center.''.

SEC. 2410. NATIONAL SPACE INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding after section 119B the following new section:

''NATIONAL SPACE INTELLIGENCE CENTER

''SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Center.

''(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE CENTER.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Center.

''(c) MISSIONS.—The National Space Intelligence Center shall have the following missions:

''(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

''(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

''(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

''(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

''(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Center has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Center to carry out the missions of the Center under subsection (c).

''(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Center.''.

(2) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 119B the following new item:

''Sec. 119C. National Space Intelligence Center.''.

(b) REPORT ON ORGANIZATION OF CENTER.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Center shall submit to the Select Committee on Intelligence of the Senate and

the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Center established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Center.

(B) An identification of key participants in the Center.

(C) A strategic plan for the Center during the five-year period beginning on the date of the report.

SEC. 2411. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by inserting before section 701 the following new section:

''OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

''SEC. 700. (a) EXEMPTION OF CERTAIN FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) Information and records described in paragraph (2) shall be exempt from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure in connection therewith when—

''(A) such information or records are not disseminated outside the Office of the Director of National Intelligence; or

''(B) such information or records are incorporated into new information or records created by personnel of the Office in a manner that identifies such new information or records as incorporating such information or records and such new information or records are not disseminated outside the Office.

''(2) Information and records described in this paragraph are the following:

''(A) Information disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the operational files of an element of the intelligence community that have been exempted from search, review, publication, or disclosure in accordance with this title or any other provision of law.

''(B) Any information or records created by the Office that incorporate information described in subparagraph (A).

''(3) An operational file of an element of the intelligence community from which information described in paragraph (2)(A) is disseminated or provided to the Office of the Director of National Intelligence as described in that paragraph shall remain exempt from search, review, publication, or disclosure under section 552 of title 5, United States Code, to the extent the operational files from which such information was derived remain exempt from search, review, publication, or disclosure under section 552 of such title.

''(b) SEARCH AND REVIEW OF CERTAIN FILES.—Information disseminated or otherwise provided to the Office of the Director of National Intelligence by another element of the intelligence community that is not exempt from search, review, publication, or disclosure under subsection (a), and that is authorized to be disseminated outside the Office, shall be subject to search and review under section 552 of title 5, United States Code, but may remain exempt from publication and disclosure under such section by the element disseminating or providing such information to the Office to the extent authorized by such section.

''(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

''(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

''(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

''(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

''(A) The Select Committee on Intelligence of the Senate.

''(B) The Permanent Select Committee on Intelligence of the House of Representatives.

''(C) The Intelligence Oversight Board.

''(D) The Department of Justice.

''(E) The Office of the Director of National Intelligence.

''(F) The Office of the Inspector General of the Intelligence Community.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting before the item relating to section 701 the following new item:

''Sec. 700. Operational files in the Office of the Director of National Intelligence.''.

SEC. 2412. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Subsection (a) of section 402 of the Intelligence Authorization Act for Fiscal Year 1984 (50 U.S.C. 403e–1) is amended to read as follows:

''(a) AUTHORITY FOR PAYMENT OF AWARDS.—(1) The Director of National Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.

''(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.''.

(b) REPEAL OF OBSOLETE AUTHORITY.—That section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) EXPEDITIOUS PAYMENT.—That section is further amended by adding at the end the following new subsection (d):

''(d) EXPEDITIOUS PAYMENT.—Payment of an award under this authority in this section shall be made as expeditiously as is practicable after the making of the award.''.

(d) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (b), by striking ''to the Central Intelligence Agency or to the Intelligence Community Staff'' and inserting ''to the Office of the Director of National Intelligence or to the Central Intelligence Agency''; and

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence or Director of the Central Intelligence Agency''.

(e) TECHNICAL AND STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b)—

(A) by inserting ''PERSONNEL ELIGIBLE FOR AWARDS.—''after ''(b)'';

(B) by striking ''subsection (a) of this section'' and inserting ''subsection (a)''; and

(C) by striking ''a date five years before the date of enactment of this section'' and inserting ''December 9, 1978''; and

(2) in subsection (c), as so redesignated, by inserting ''PAYMENT AND ACCEPTANCE OF AWARDS.—'' after ''(c)''.

SEC. 2413. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (g), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (k), (l), and (m) as subsections (d), (e), (f), (g), and (h), respectively.

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking ''subsection (f)'' each place it appears in paragraphs (1) and (2) and inserting ''subsection (e)''; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 2414. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or'';

(2) in paragraph (2), by striking the period and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) the Office of the Director of National Intelligence.''.

SEC. 2415. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence, or the Director's designee.''.

SEC. 2416. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) AUTHORITY TO EXEMPT.—The Director of National Intelligence may prescribe regulations to exempt any system of records within the Office of the Director of National Intelligence from the applicability of the provisions of subsections (c)(3), (c)(4), and (d) of section 552a of title 5, United States Code.

(b) PROMULGATION REQUIREMENTS.—In prescribing any regulations under subsection (a), the Director shall comply with the requirements (including general notice requirements) of subsections (b), (c), and (e) of section 553 of title 5, United States Code.

Subtitle B—Central Intelligence Agency

SEC. 2421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) APPOINTMENT OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended by inserting ''from civilian life'' after ''who shall be appointed''.

(b) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Such section is further amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

''(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.''.

(c) CONFORMING AMENDMENT.—Paragraph (2) of subsection (d) of such section, as redesignated by subsection (b)(1) of this section, is further amended by striking ''subsection (d)'' and inserting ''subsection (e)''.

(d) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Deputy Director of the Central Intelligence Agency.''.

(e) ROLE OF DNI IN APPOINTMENT.—Section 106(a)(2) of the National Security Act of 1947 (50 U.S.C. 403–6) is amended by adding at the end the following new subparagraph:

''(C) The Deputy Director of the Central Intelligence Agency.''.

(f) MILITARY STATUS OF INDIVIDUAL SERVING AS DIRECTOR OF CENTRAL INTELLIGENCE AGENCY OR ADMINISTRATIVELY PERFORMING DUTIES OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) A commissioned officer of the Armed Forces who is serving as the Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act shall not, while continuing in such service, or in the administrative performance of such duties, after that date—

(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

(2) Except as provided in subparagraph (A) or (B) of paragraph (1), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

(3) A commissioned officer described in paragraph (1), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.

(g) EFFECTIVE DATE AND APPLICABILITY.—

(1) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The amendment made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply upon the occurrence of any act creating a vacancy in the position of Director of the Central Intelligence Agency after such date, except that if the vacancy occurs by resignation from such position of the individual serving in such position on such date, that individual may continue serving in such position after such resignation until the individual appointed to succeed such resigning individual as Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position.

(2) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The amendments made by subsections (b) through (e) shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 2422. ENHANCED PROTECTION OF CENTRAL INTELLIGENCE AGENCY INTELLIGENCE SOURCES AND METHODS FROM UNAUTHORIZED DISCLOSURE.

(a) RESPONSIBILITY OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY UNDER NATIONAL SECURITY ACT OF 1947.—Subsection (e) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 2421(b)(1) of this Act, is further amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) protect intelligence sources and methods of the Central Intelligence Agency from unauthorized disclosure, consistent with any direction issued by the President or the Director of National Intelligence; and''.

(b) PROTECTION UNDER CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking ''section 102A(i)'' and all that follows through ''unauthorized disclosure'' and inserting ''sections 102A(i) and 104A(e)(4) of the National Security Act of 1947 (50 U.S.C. 403–1(i), 403–4a(e)(4))''.

(c) CONSTRUCTION WITH EXEMPTION FROM REQUIREMENT FOR DISCLOSURE OF INFORMATION TO PUBLIC.—Section 104A(e)(4) of the National Security Act of 1947, as amended by subsection (a), and section 6 of the Central Intelligence Agency Act of 1949, as amended by subsection (b), shall be treated as statutes that specifically exempt from disclosure the matters specified in such sections for purposes of section 552(b)(3) of title 5, United States Code.

(d) TECHNICAL AMENDMENTS TO CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended—

(1) in the subsection caption, by striking ''OF DCI'';

(2) by striking ''section 102A(i)'' and inserting ''sections 102A(i) and 104A(e)(4)'';

(3) by striking ''of National Intelligence''; and

(4) by inserting ''of the Central Intelligence Agency'' after ''methods''.

SEC. 2423. ADDITIONAL EXCEPTION TO FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) ADDITIONAL EXCEPTION.—Subsection (h) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 2421(b)(1) of this Act, is further amended—

(1) in paragraph (1)—

(A) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(B) by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(2) in paragraph (2), by striking ''position or category of positions'' each place it appears and inserting ''individual, individuals, position, or category of positions''; and

(3) by adding at the end the following new paragraph:

''(3) Paragraph (1) shall not apply to any individual in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency who is serving in a Senior Intelligence Service position as of December 23, 2005, regardless of whether such individual is a member of the Senior Intelligence Service.''.

(b) REPORT ON WAIVERS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) by striking the first sentence and inserting the following new sentence: ''The Director of the Central Intelligence Agency shall submit to Congress a report that identifies individuals who, or positions within the Senior Intelligence Service in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency that, are determined by the Director to require a waiver under subsection (h) of section 104A of the National Security Act of 1947, as added by subsection (a) and redesignated by section 421(b)(1) of the Intelligence Authorization Act for Fiscal Year 2007.''; and

(2) in the second sentence—

(A) by striking ''section 104A(g)(2), as so added'' and inserting ''subsection (h)(2) of section 104A, as so added and redesignated''; and

(B) by striking ''position or category of positions'' and inserting ''individual, individuals, position, or category of positions''.

SEC. 2424. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in subparagraph (A), as so designated—

(A) by striking ''and the protection'' and inserting ''the protection''; and

(B) by striking the semicolon and inserting '', and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and''; and

(3) by adding at the end the following new subparagraph:

''(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be

arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;''.

SEC. 2425. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—(1) The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) The recommendations of the Director regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term ''Air America'' means Air America, Incorporated.

(2) The term ''associated company'' means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

Subtitle C—Defense Intelligence Components

SEC. 2431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''terminated either by'' and all that follows and inserting ''terminated—

''(i) by the Agency due to misconduct by the employee;

''(ii) by the employee voluntarily; or

''(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and''.

(b) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of such section is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

SEC. 2432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

''SEC. 20. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

''(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a) are authorized, when engaged in the performance of such functions, to make arrests without a warrant for—

''(A) any offense against the United States committed in the presence of such personnel; or

''(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

''(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

''(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

''(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.''.

SEC. 2433. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting ''the Defense Intelligence Agency,'' after ''the Corporation for Public Broadcasting,'';

(2) by inserting ''the National Geospatial-Intelligence Agency,'' after ''the National Endowment for the Arts,''; and

(3) by inserting ''the National Reconnaissance Office, the National Security Agency,'' after ''the National Labor Relations Board,''.

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

''(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.''.

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of that Act—

(1) by inserting ''(1)'' after ''(d)'';

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking ''The head'' and inserting ''Except as provided in paragraph (2), the head''; and

(3) by adding at the end the following new paragraph:

''(2)(A) The Director of National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

''(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

''(C) At the same time the Director or the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

''(D) The elements of the intelligence community specified in this subparagraph are as follows:

''(i) The Defense Intelligence Agency.

''(ii) The National Geospatial-Intelligence Agency.

''(iii) The National Reconnaissance Office.

''(iv) The National Security Agency.

''(E) The committees of Congress specified in this subparagraph are—

''(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

''(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.''.

SEC. 2434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

''SEC. 2. (a) There is a Director of the National Security Agency.

''(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.''.

(b) DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Section 441(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.''.

(c) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—

(1) DESIGNATION OF POSITIONS.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) COVERED POSITIONS.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) EFFECTIVE DATE AND APPLICABILITY.—(1) The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 2435. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also analyze, disseminate, and incorporate into the National System for Geospatial-Intelligence, likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information.

''(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.''; and

(3) in paragraph (3), as so redesignated, by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)''.

SEC. 2436. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2007, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 2441. FOREIGN LANGUAGE INCENTIVE FOR CERTAIN NON-SPECIAL AGENT EMPLOYEES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) AUTHORITY TO PAY INCENTIVE.—The Director of the Federal Bureau of Investigation may pay a cash award authorized by section 4523 of title 5, United States Code, in accordance with the provisions of such section, to any employee of the Federal Bureau of Investigation described in subsection (b) as if such employee were a law enforcement officer as specified in such section.

(b) COVERED EMPLOYEES.—An employee of the Federal Bureau of Investigation described in this subsection is any employee of the Federal Bureau of Investigation—

(1) who uses foreign language skills in support of the analyses, investigations, or operations of the Bureau to protect against international terrorism or clandestine intelligence activities (or maintains foreign language skills for purposes of such support); and

(2) whom the Director of the Federal Bureau of Investigation, subject to the joint guidance of the Attorney General and the Director of National Intelligence, may designate for purposes of this section.

SEC. 2442. AUTHORITY TO SECURE SERVICES BY CONTRACT FOR THE BUREAU OF INTELLIGENCE AND RESEARCH OF THE DEPARTMENT OF STATE.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by inserting after section 23 the following new section:

''SERVICES BY CONTRACT FOR BUREAU OF INTELLIGENCE AND RESEARCH

''SEC. 23A. (a) AUTHORITY TO ENTER INTO CONTRACTS.—The Secretary may enter into contracts with individuals or organizations for the provision of services in support of the mission of the Bureau of Intelligence and Research of the Department of State if the Secretary determines that—

''(1) the services to be procured are urgent or unique; and

''(2) it would not be practicable for the Department to obtain such services by other means.

''(b) TREATMENT AS EMPLOYEES OF THE UNITED STATES GOVERNMENT.—(1) Individuals employed under a contract pursuant to the authority in subsection (a) shall not, by virtue of the performance of services under such contract, be considered employees of the United States Government for purposes of any law administered by the Office of Personnel Management.

''(2) The Secretary may provide for the applicability to individuals described in paragraph (1) of any law administered by the Secretary concerning the employment of such individuals.

''(c) CONTRACT TO BE APPROPRIATE MEANS OF SECURING SERVICES.—The chief contracting officer of the Department of State shall ensure that each contract entered into by the Secretary under this section is the appropriate means of securing the services to be provided under such contract.''.

SEC. 2443. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(B) by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''; and

(2) in subparagraph (K), by striking '', including the Office of Intelligence of the Coast Guard''.

SEC. 2444. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

TITLE XXV—OTHER MATTERS

SEC. 2501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking ''section'' and inserting ''subsection'';

(B) in subsection (d)—

(i) in paragraph (3), by striking ''subparagraph (A)'' in the matter preceding subparagraph (A) and inserting ''paragraph (1)(A)'';

(ii) in paragraph (5)(A), by striking ''or personnel'' in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(D) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION''.

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)''.

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''.

SEC. 2502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program or programs''; and

(2) in subsection (d)(1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program or programs''.

SEC. 2503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice''.

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''; and

(B) in subsection (h), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''.

(3) In section 1071(e), by striking ''(1)''.

(4) In section 1072(b), by inserting ''AGENCY'' after ''INTELLIGENCE''.

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting ''of'' before ''an institutional culture'';

(B) in subsection (e)(2), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f), by striking ''shall,'' in the matter preceding paragraph (1) and inserting ''shall''.

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 2504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking ''Director of Central Intelligence'' each place it appears in a provision as follows and inserting ''Director of National Intelligence'':

(1) Section 193(d)(2).
(2) Section 193(e).
(3) Section 201(a).
(4) Section 201(b)(1).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' each place it appears in a provision as follows and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE'':

(1) Section 441(c).
(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of the Central Intelligence Agency''.

SEC. 2505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking ''authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under subsections (d), (e), (f), and (g) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).''.

SEC. 2506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking ''FOREIGN''; and

(2) by striking ''foreign'' each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b), by inserting ''of National Intelligence'' after ''Director''.

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

''SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.''.

SEC. 2507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

SEC. 2508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears in a provision as follows and inserting ''National Geospatial-Intelligence Agency'':

(A) Section 2302(a)(2)(C)(ii).
(B) Section 3132(a)(1)(B).
(C) Section 4301(1) (in clause (ii)).
(D) Section 4701(a)(1)(B).
(E) Section 5102(a)(1) (in clause (x)).
(F) Section 5342(a)(1) (in clause (K)).
(G) Section 6339(a)(1)(E).
(H) Section 7323(b)(2)(B)(i)((XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking ''National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency''.

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking ''National Imagery and Mapping Agency'' both places it appears and inserting ''National Geospatial-Intelligence Agency''.

(B) The heading of such section is amended to read as follows:

''§ 1336. National Geospatial-Intelligence Agency: special publications''.

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

''1336. National Geospatial-Intelligence Agency: special publications.''.

(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.

(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(f) OTHER ACTS.—(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

DIVISION D—TRANSPORTATION SECURITY

TITLE XXXI—MARITIME SECURITY

SEC. 3101. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the ''Maritime Transportation Security Act of 2006''.

(b) DEFINITIONS.—In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Appropriations, the Committee on Commerce, Science, and Transportation, the Committee on Finance, and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Customs.

(3) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(4) SECRETARY.—The term ''Secretary'' means the Security of Homeland Security.

SEC. 3102. INTERAGENCY OPERATIONAL COMMAND CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70103 the following new section:

''§ 70103A. Interagency operational command centers for port security

''(a) IN GENERAL.—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary, shall establish interagency operational command centers for port security at all high priority ports.

''(b) CHARACTERISTICS.—The interagency operational centers shall—

''(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port security in Miami, Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California and the virtual operation center at the port of New York/New Jersey;

''(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each center is operating;

''(3) provide for participation by—

''(A) representatives of the United States Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, the Department of Defense, the Department of Justice, and other Federal agencies, determined to be appropriate by the Secretary of Homeland Security;

''(B) representatives of State and local law enforcement or port security personnel; and

''(C) members of the area maritime security committee, as deemed appropriate by the Coast Guard Captain of the Port;

''(4) be incorporated in the implementation and administration of—

''(A) maritime transportation security plans developed under section 70103 of this title;

''(B) maritime intelligence activities under section 70113 of this title;

''(C) short and long range vessel tracking under sections 70114 and 70115 of this title;

''(D) secure transportation systems under section 70119 of this title;

''(E) the United States Customs and Border Protection's screening and high-risk cargo inspection programs;

''(F) the transportation security incident response plans required by section 70104 of this title; and

''(G) the execution of the protocols established under sections 3119 and 3120 of the Maritime Transportation Security Act of 2006 and the amendments made by such sections.

''(c) REPORT REQUIREMENT.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed for the report required by such section 807 in carrying out the requirements of this section.

''(d) SECURITY CLEARANCE ASSISTANCE.—The Secretary may assist non-Federal personnel described in subsection (b)(3)(B) or (C) in obtaining expedited appropriate security clearances and in maintaining their security clearances.

''(e) SECURITY INCIDENTS.—During a transportation security incident (as defined in section 70101(6) of this title) involving a port, the Coast Guard Captain of the Port, designated by the Commandant of the Coast Guard, in each joint operations center for maritime security shall act as the incident commander, unless otherwise directed under the National Maritime Transportation Security Plan established under section 70103 of this title or by the President.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70103 the following new item:

''70103A. Interagency operational command centers for port security.''.

(c) BUDGET AND COST-SHARING ANALYSIS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security of the House of Representatives, a proposed budget analysis for implementing subsection (a) of section 70103A of title 46, United States Code (as added by subsection (a) of this section), including cost-sharing arrangements with other departments and agencies of the Federal Government involved in the interagency operation of the centers established under such section 70101A.

SEC. 3103. SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following:

''(E) include a salvage response plan—

''(i) to identify salvage equipment capable of restoring operational trade capacity; and

''(ii) to ensure that the flow of cargo through United States ports is reestablished as efficiently and quickly as possible after a transportation security incident.''.

SEC. 3104. VESSEL AND FACILITY SECURITY PLANS.

Section 70103(c)(3) of title 46, United States Code, is amended—

(1) in subparagraph (E), by striking the ''training, periodic unannounced drills and'';

(2) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) provide a strategy and timeline for conducting training and periodic unannounced drills for persons on the vessel or at the facility to be carried out under the plan to deter, to the maximum extent practicable, a transportation security incident or a substantial threat of such a transportation security incident;''.

SEC. 3105. ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 70109. International cooperation and coordination''; and

(2) by adding at the end the following:

''(c) FOREIGN ASSISTANCE PROGRAMS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of Energy, and the Commandant of the United States Coast Guard, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a strategic plan to utilize the programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

''(2) CARIBBEAN BASIN.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the United States Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

''(A) the strategic location of such ports between South America and United States;

''(B) the relative openness of such ports; and

''(C) the significant number of shipments of narcotics to the United States that are moved through such ports.

''(3) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, shall enter into negotiations with foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Standards Organization, as appropriate—

''(A) to promote standards for the security of containers and other cargo moving within the international supply chain;

''(B) to encourage compliance with minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, established under the Maritime Transportation Security Act of 2006;

''(C) to implement the requirements of the container security initiative under section 70117; and

''(D) to implement standards and procedures established under section 70119.''.

(b) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives a report on the security of ports in the Caribbean Basin. The report—

(1) shall include—

(A) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(B) an estimate of the number of ports in the Caribbean Basin that will not be secured by July 1, 2007, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(C) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(2) may be submitted in both classified and redacted formats.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70901 and inserting the following:

''70901. International cooperation and coordination''.

SEC. 3106. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking ''for making a fair and equitable allocation of funds'' and inserting ''based on risk and vulnerability''.

(b) LETTERS OF INTENT.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

''(5) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding for eligible costs. 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.''.

SEC. 3107. OPERATION SAFE COMMERCE.

Section 70107 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(j) OPERATION SAFE COMMERCE.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Maritime Transportation Security Act of 2006, the Secretary shall initiate grant projects that—

''(A) integrate nonintrusive inspection and radiation detection equipment with automatic identification methods for containers, vessels, and vehicles;

''(B) test physical access control protocols and technologies;

''(C) create a data sharing network capable of transmitting data required by entities participating in the international supply chain from every intermodal transfer point to the National Targeting Center of the Department; and

''(D) otherwise further maritime and cargo security, as determined by the Secretary.

''(2) SUPPLY CHAIN SECURITY FOR SPECIAL CONTAINER AND NONCONTAINERIZED CARGO.—

The Secretary shall consider demonstration projects that further the security of the international supply chain for special container cargo, including refrigerated containers, and noncontainerized cargo, including roll-on/roll-off, break-bulk, liquid, and dry bulk cargo.

''(3) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary shall submit a report detailing the results of Operation Safe Commerce to—

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

''(B) the Committee on Homeland Security and Government Affairs of the Senate;

''(C) the Committee on Homeland Security of the House of Representatives;

''(D) the Committee on Appropriations of the Senate; and

''(E) the Committee on Appropriations of the House of Representatives.''.

SEC. 3108. PORT SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Grants and Training and in coordination with components of the Department with maritime security expertise, including the Coast Guard, the Transportation Security Administration, and United States Customs and Border Protection, shall establish a Port Security Training Program (in this section referred to as the ''Program'') for the purpose of enhancing the capabilities of each commercial seaports in the United States 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, including—

(A) direct delivery;

(B) train-the-trainer;

(C) computer-based training;

(D) web-based training; and

(E) video teleconferencing;

(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.

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

(1) support the development, promulgation, and regular updating as necessary of national voluntary consensus standards for port security training; 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 facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and nongovernmental emergency responder providers or commercial seaport personnel and management; and

(2) utilize, as appropriate, training courses provided by community colleges, public safety academies, State and private universities, and other facilities.

(e) CONSULTATION.—The Secretary shall ensure that, in carrying out the Program, the Office of Grants and Training consults with commercial seaport personnel and management.

(f) COMMERCIAL SEAPORT PERSONNEL DEFINED.—For purposes of this section, the term ''commercial seaport personnel'' means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters thereof.

SEC. 3109. PORT SECURITY EXERCISE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a Port Security Exercise Program (in this section referred to 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, acting through the Assistant Secretary for Grants and Training and in coordination with components of the Department with maritime security expertise, including the Coast Guard, the Transportation Security Administration, and United States Customs and Border Protection, shall ensure that the Program—

(1) consolidates all existing port security exercise programs administered by the Department;

(2) 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

(3) 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) REMEDIAL ACTION MANAGEMENT SYSTEM.—The Secretary, acting through the Assistant Secretary for Grants and Training, shall establish a Remedial Action Management System 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.

(d) GRANT PROGRAM FACTOR.—In evaluating and prioritizing applications for the port security grant program under section 70107 of title 46, United States Code, the Secretary shall give additional consideration to those applicants that have conducted port security exercises under this section.

(e) CONSULTATION.—The Secretary shall ensure that, in carrying out the Program, the Office of Grants and Training consults with—

(1) governmental and nongovernmental emergency response providers; and

(2) commercial seaport personnel and management.

(f) COMMERCIAL SEAPORT PERSONNEL DEFINED.—For purposes of this section, the term ''commercial seaport personnel'' means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters thereof.

SEC. 3110. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

SEC. 3111. DEADLINE FOR TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL SECURITY CARDS.

Section 70105(a) of title 46, United States Code, is amended by adding at the end the following:

''(3) The Secretary shall—

''(A) promulgate a final rule to implement this section not later than January 1, 2007;

''(B) conduct a complete review of the biometric card readers not later than 90 days after the promulgation of such rule; and

''(C) implement this section not later than July 1, 2007.''.

SEC. 3112. PORT SECURITY USER FEE STUDY.

The Secretary of Homeland Security, in consultation with the Secretary of the Treasury and the United States Trade Representative, shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Not later than 1 year after date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that—

(1) contains the Secretary's findings, conclusions, and recommendations (including legislative recommendations if appropriate) regarding implementation of user fees;

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improving and maintaining security;

(3) includes an assessment of the impact of the fees, charges, and standards on the competitiveness of United States ports and port terminal operators; and

(4) includes recommendations for addressing any negative impact the fees, charges, and standards have on the competitiveness of United States ports and port terminal operators.

SEC. 3113. UNANNOUNCED INSPECTIONS OF MARITIME FACILITIES.

Subparagraph (D) of section 70103(c)(4) of title 46, United States Code, is amended to read as follows:

''(D) verify the effectiveness of each such facility security plan periodically, not less than twice annually, at least one of which shall be an inspection of the facility that is conducted without notice to the facility.''.

SEC. 3114. FOREIGN PORT ASSESSMENTS.

Section 70108 of title 46, United States Code, is amended by adding at the end the following:

''(d) PERIODIC REASSESSMENT.—The Secretary shall reassess the effectiveness of antiterrorism measures maintained at ports as described under subsection (a) and of procedures described in subsection (b) not less than every 3 years.''.

SEC. 3115. PILOT PROGRAM TO IMPROVE THE SECURITY OF EMPTY CONTAINERS.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Customs, shall conduct a 1-year pilot program to evaluate and improve the security of empty containers at United States seaports to ensure the safe and secure delivery of cargo and to prevent potential acts of terrorism involving such containers. The pilot program shall include the use of visual searches of empty containers at United States seaports.

(b) REPORT.—Not later than 90 days after the completion of the pilot program under paragraph (1), the Secretary shall prepare and submit to the appropriate congressional committees a report that contains—

(1) the results of pilot program; and

(2) the determination of the Secretary whether or not to expand the pilot program.

SEC. 3116. 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 time line of when radiation detection equipment will be deployed at each of the ports of entry identified under paragraph (1);

(3) the type of equipment to be used at each of the ports 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) the Department policy for the use of nonintrusive inspection equipment; and

(7) a classified annex that—

(A) details plans for covert testing; and

(B) outlines the risk-based prioritization of ports of entry used 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 appropriate congressional committees.

(d) OTHER WMD THREATS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a strategy for the deployment of equipment to detect chemical, biological, and other weapons at all ports of entry into the United States to appropriate congressional committees.

(e) IMPLEMENTATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall fully implement the strategy developed under subsection (b).

SEC. 3117. EVALUATION OF THE ENVIRONMENTAL HEALTH AND SAFETY IMPACTS OF NONINTRUSIVE INSPECTION TECHNOLOGY.

(a) RADIATION SAFETY.—Not later than 90 days after the date of the enactment of this Act, the Director of the National Institutes of Health, in conjunction with the Director of the Domestic Nuclear Detection Office and the Commissioner of Customs, shall—

(1) conduct an evaluation of the health and safety impacts of non-intrusive inspection technology; and

(2) identify appropriate operational protocols for the use of United States Customs and Border Protection non-intrusive inspection equipment.

(b) SUBMISSION TO CONGRESS.—The final evaluation conducted under subsection (a) shall be transmitted to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act.

SEC. 3118. AUTHORIZATION FOR CUSTOMS AND BORDER PROTECTION PERSONNEL.

The Act of February 13, 1911 (36 Stat. 901, chapter 46; 19 U.S.C. 267) is amended by inserting after section 5 the following new section:

''SEC. 5A. AUTHORIZATION FOR CUSTOMS AND BORDER PROTECTION PERSONNEL.

''(a) IN GENERAL.—In addition to any monies hereafter appropriated to the United States Customs and Border Protection of the Department of Homeland Security, there are authorized to be appropriated for the purpose of increasing the number of Customs and Border Protection personnel, to remain available until expended, the following:

''(1) $88,000,000 in fiscal year 2007.

''(2) $176,000,000 in fiscal year 2008.

''(3) $189,000,000 in fiscal year 2009.

''(b) ADDITIONAL PERSONNEL.—The additional personnel authorized under subsection (a) shall include:

''(1) 1,000 additional Customs and Border Protection Officers at United States ports of entry, of which the Commissioner of Customs shall assign—

''(A) at least 1 additional officer at each port of entry in the United States; and

''(B) the balance of the additional officers authorized by this subsection among ports of entry in the United States based upon the volume of trade.

''(2) 100 nonsupervisory import specialists for the purpose of performing trade facilitation and enforcement functions.

''(c) RESOURCE ALLOCATION MODEL.—Not later than 1 year after the date of the enactment of this Act, and every 2 years thereafter, the Commissioner of Customs shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a Resource Allocation Model to determine the optimal staffing levels required to carry out the commercial operations of the United States Customs and Border Protection, including inspection and cargo clearance and the revenue functions described in section 412(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)(2)). The model shall comply with the requirements of section 412(b)(1) of such Act and shall take into account previous staffing models and historic and projected trade volumes and trends. The Resource Allocation Model shall apply both risk-based and random sampling approaches for determining adequate staffing needs for priority trade functions, including—

''(1) performing revenue functions;

''(2) enforcing antidumping and countervailing laws;

''(3) protecting intellectual property rights;

''(4) enforcing provisions of law relating to textiles;

''(5) conducting agricultural inspections; and

''(6) enforcing penalties.''.

SEC. 3119. STRATEGIC PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with appropriate Federal, State, local, and tribal government agencies, public port authorities, and private sector stakeholders responsible for security matters that affect or relate to the movement of containers through the international supply chain, shall submit, to appropriate congressional committees, a comprehensive strategic plan to enhance international supply chain.

(b) CONTENT.—The strategic plan submitted under subsection (a) shall—

(1) clarify and delineate 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 arriving in, departing from, or moving through seaports of the United States;

(2) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

(3) build on available resources and consider costs and benefits;

(4) identify mandatory, baseline security goals, and the minimum container security standards and procedures;

(5) include a process for sharing intelligence and information with private sector stakeholders to assist in their security efforts;

(6) identify a framework for prudent and measured response in the event of a transportation security incident (as defined in section 70101 of title 46, United States Code,) in a United States seaport;

(7) provide a plan for the expeditious resumption of the flow of legitimate trade in accordance with the amendments made by section 3120 of this Act;

(8) focus on the secure movement of containerized cargo;

(9) consider the linkages between supply chain security and security programs within other systems of movement, including travel security and terrorist financing programs;

(10) expand upon and relate to existing strategies and plans, including the National Strategy for Maritime Security and the National Maritime Transportation Security Plan; and

(11) ensure that supply chain security mandates and voluntary programs, to the extent practicable, provide even-handed treatment for affected parties of the same type, regardless of the size of the particular business.

(c) UPDATE.—Not less than 3 years after the strategic plan is submitted under subsection (a), the Secretary shall submit an update of the strategic plan to appropriate congressional committees.

(d) CONSULTATIONS.—Consultations described in subsection (a) shall focus on—

(1) designing measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of the international supply chain;

(2) identifying and addressing gaps in capabilities, responsibilities, resources, or authorities;

(3) identifying and streamlining unnecessary overlaps in capabilities, responsibilities, or authorities; and

(4) identifying and making recommendations regarding legislative, regulatory, and organizational changes necessary to improve coordination among the entities or to enhance the security of the international supply chain.

(e) UTILIZATION OF ADVISORY COMMITTEES.—As part of the consultative process, the Secretary shall utilize the Homeland Security Advisory Committee, the National Maritime Security Advisory Committee, and the Commercial Operations Advisory Committee to review the draft strategic plan and any subsequent update to that plan.

(f) INTERNATIONAL STANDARDS AND PRACTICES.—In furtherance of the strategic plan, the Secretary is encouraged to consider proposed or established standards and practices of foreign governments and international organizations, including, as appropriate, the International Maritime Organization, the World Customs Organization, the International Labor Organization, and the International Organization for Standardization to establish standards and best practices for the security of containers moving through the international supply chain.

SEC. 3120. RESUMPTION OF TRADE.

(a) Section 70103(a)(2)(J) of title 46, United States Code, is amended by inserting after the end period: ''The plan shall provide, to the extent practicable, preference in the reestablishment of the flow of cargo through United States ports after a transportation security incident to—

''(i) vessels that have a vessel security plan approved under subsection (c) or vessels that have a valid international ship security certificate; and

''(ii) vessels manned by individuals who are described in section 70105(b)(2)(B) and who have undergone a background records check under section 70105(d) or who hold transportation security cards issued under section 70105.''.

(b) Title III of the Tariff Act of 1930 is amended by inserting after section 318 the following new section:

''SEC. 318A. TRADE RESUMPTION PLAN.

''(a) DEFINITIONS.—In this section:

''(1) INSPECTION.—The term 'inspection' means the comprehensive process used by the personnel of the United States Customs and Border Protection to assess goods entering the United States for duty purposes, to detect the presence of restricted or prohibited items, or to ensure compliance with applicable laws. The process may include screening, conducting an examination, or conducting a search.

''(2) TARGETING.—The term 'targeting' means the process used by the personnel of the United States Customs and Border Protection to determine the risk of security or trade violations associated with cargo bound for the United States.

''(3) TRANSPORTATION DISRUPTION.—The term 'transportation disruption' means any significant delay, interruption, or stoppage in the flow of international trade caused by a natural disaster, labor dispute, heightened threat level, an act of terrorism, or any transportation security incident defined in section 1572.3 of title 49, Code of Federal Regulations.

''(b) TRADE RESUMPTION PLAN.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Customs shall develop a Trade Resumption Plan to provide for the resumption of trade in the event of a transportation disruption. The Plan shall include—

''(1) a program to redeploy resources and personnel, as necessary, to reestablish the flow of international trade in the event of a transportation disruption;

''(2) a training program to periodically instruct personnel of the United States Customs and Border Protection in trade resumption functions in the event of a transportation disruption;

''(3) a plan to revise cargo targeting and inspection protocols to meet the security and trade facilitation needs of the United States following a transportation disruption, including, to the extent practicable, giving priority to—

''(A) cargo originating from a designated port described in section 629(j);

''(B) cargo that has been handled, stored, shipped, and imported by, or otherwise processed by, a tier 3 participant in the Customs-Trade Partnership Against Terrorism (C-TPAT);

''(C) cargo that has undergone nuclear or radiological detection scan, x-ray or density scan, and optical character recognition scan, at the last port of departure prior to arrival in the United States;

''(D) cargo transported in containers with tamper-proof seals;

''(E) perishable cargo; and

''(F) any other cargo the Commissioner considers appropriate;

''(4) a plan to communicate any revised procedures or instructions to the private sector following a transportation disruption; and

''(5) a plan to coordinate trade facilitation efforts among affected ports of entry following a transportation disruption.

''(c) CONSULTATIONS.—

''(1) IN GENERAL.—The Commissioner of Customs shall consult with appropriate government agencies, port authorities, terminal operators, and the Customs Commercial Operations Advisory Committee (COAC) in the development of the Trade Resumption Plan.

''(2) PUBLIC COMMENT.—The Commissioner of Customs shall afford port authorities, terminal operators, and the COAC 60 days in which to comment on a draft Trade Resumption Plan before finalizing such plan.

''(d) EXERCISES.—The Commissioner of Customs shall coordinate annual exercises with appropriate Federal, State, and local agencies, port authorities, terminal operators, and tier 3 participants in the C-TPAT to practice and prepare for implementation of the Trade Resumption Plan. Such exercises shall be coordinated with the Coast Guard's area maritime security plan exercises.

''(e) REPORT AND CONSULTATION.—Not later than 180 days after the date that the annual exercises described in subsection (d) are completed, the Commissioner of Customs shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the status of the Trade Resumption Plan required by subsection (b) and the result of exercises required by subsection (d), and shall consult with the committees regarding any proposals to revise the Plan.''.

SEC. 3121. AUTOMATED TARGETING SYSTEM.

Title III of the Tariff Act of 1930, as added by section 3120 of this Act, is amended by inserting after section 318A the following:

''SEC. 318B. AUTOMATED TARGETING SYSTEM.

''(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Commissioner of Customs, shall develop and maintain an antiterrorism cargo identification and screening system for containerized cargo shipped to the United States either directly or via a foreign port to assess imports and target those imports that pose a high risk of containing contraband.

''(b) 24-HOUR ADVANCE NOTIFICATION.—In order to provide the best possible data for the Automated Targeting System, the Commissioner shall require importers shipping goods to the United States via cargo container to supply advanced trade data or a subset thereof not later than 24 hours before loading a container under the advance notification requirements under section 484(a)(2). The requirement shall apply to goods entered on or after July 1, 2007.

''(c) NEW OR EXPANDED INFORMATION SUBMISSIONS.—

''(1) IN GENERAL.—Any additional information submissions allowable within the Commissioner's existing authority or submitted voluntarily by supply chain participants shall be transmitted in a secure fashion, as determined by the Commissioner and in accordance with this subsection, to protect the information from unauthorized access.

''(2) CONFIDENTIALITY OF INFORMATION.—Information that is required of, or voluntarily submitted by, supply chain participants to the United States Customs and Border Protection for purposes of this section—

''(A) shall be exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

''(B) shall not, without the written consent of the person or entity submitting such information, be used directly by the Department or a third party, in any civil action arising under Federal or State law if such information is submitted in good faith; and

''(C) shall not, without the written consent of the person or entity submitting such information, be used or disclosed by any officer or employee of the United States for purposes other than the purposes of this section, except—

''(i) in furtherance of an investigation or other prosecution of a criminal act; or

''(ii) when disclosure of the information would be—

''(I) to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee thereof or subcommittee of any such joint committee; or

''(II) to the Comptroller General, or any authorized representative of the Comptroller General, in the course of the performance of the duties of the Comptroller General.

''(3) INDEPENDENTLY OBTAINED INFORMATION.—Nothing in this subsection shall be

construed to limit or otherwise affect the ability of a Federal, State, or local, government entity, under applicable law, to obtain supply chain security information, including any information lawfully and properly disclosed generally or broadly to the public and to use such information in any manner permitted by law.

''(4) PENALTIES.—Any person who is an officer or employee of the United States and knowingly publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law, any supply chain security information protected in this section from disclosure, shall be—

''(A) fined under title 18, United States Code, imprisoned not more than 1 year, or both; and

''(B) removed from office or employment.

''(5) AUTHORITY TO ISSUE WARNINGS.—The Secretary may provide advisories, alerts, and warnings to relevant companies, targeted sectors, other governmental entities, or the general public regarding potential risks to the supply chain as appropriate. In issuing a warning under this paragraph, the Secretary shall take appropriate actions to protect from disclosure—

''(A) the source of any voluntarily submitted supply chain security information that forms the basis for the warning; and

''(B) information that is proprietary, business sensitive, relates specifically to the submitting person or entity, or is otherwise not appropriately in the public domain.

''(6) SYSTEM IMPROVEMENTS.—The Automated Targeting System used by the United States Customs and Border Protection to identify cargo for increased inspection prior to the clearance of such cargo into the United States shall include a component to permit—

''(A) the electronic comparison of similar manifest and available entry data for cargo entered into or bound for the United States, in order to efficiently identify cargo for increased inspection or expeditious release following a transportation disruption; and

''(B) the electronic isolation of select data elements relating to cargo entered into or bound for the United States, in order to efficiently identify cargo for increased inspection or expeditious release following a transportation disruption.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out the Automated Targeting System to identify high-risk oceanborne container cargo for inspection—

''(A) $30,700,000 for fiscal year 2007;

''(B) $33,200,000 for fiscal year 2008; and

''(C) $35,700,000 for fiscal year 2009.

''(2) SUPPLEMENT.—The amounts authorized by this subsection shall be in addition to any other amounts authorized to be appropriated to carry out that the Automated Targeting System.''.

SEC. 3122. CONTAINER SECURITY INITIATIVE.

(a) AUTHORIZATION.—The Secretary, acting through the Commissioner of Customs, is authorized to establish and implement a program (to be known as the ''Container Security Initiative'' or ''CSI'') to identify and examine maritime containers that pose a security risk at foreign ports before the containers are shipped to the United States.

(b) ASSESSMENT.—Before the Secretary designates any foreign port under CSI, 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 containers by terrorists or terrorist weapons;

(2) the smuggling of narcotics;

(3) large scale violations of united States trade laws, including intellectual property rights and textile transshipment;

(4) the economic impact of cargo traveling from the foreign port to the United States in terms of trade value and volume;

(5) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

(6) the capabilities and level of cooperation expected of the government of the intended host country;

(7) 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

(8) the potential for C-TPAT cargo traveling through the foreign port.

(c) ANNUAL REPORT.—Not later than March 1 of each year in which the Secretary proposes to designate a foreign port under CSI, the Secretary shall submit a report, in classified or unclassified form, detailing the assessment of each foreign port the Secretary is considering designating under CSI, to appropriate congressional committees.

(d) CURRENT CSI PORTS.—The report under subsection (c) shall include an annual assessment justifying the continuance of each port designated under CSI as of the date of enactment of this Act.

(e) DESIGNATION OF NEW PORTS.—The Secretary shall not designate a foreign port under CSI unless the Secretary has completed the assessment required in subsection (b) for that port and submitted a report under subsection (c) 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 CSI, as appropriate, to ensure full compliance with the requirements under CSI.

(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 CSI;

(B) require that the equipment operated at each port designated under CSI 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 CSI.

(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.

(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.

(3) FOREIGN ASSISTANCE.—

(A) IN GENERAL.—The Secretary, in coordination with the Secretary of State, the Secretary of Energy, and other Federal agencies, shall identify foreign assistance programs that could facilitate the implementation of cargo security antiterrorism measures at ports designated under CSI and foreign ports not designated under CSI that lack effective antiterrorism measures.

(B) ACQUISITION.—The Secretary may—

(i) lease, loan, provide, or otherwise assist in the deployment of non-intrusive inspection and handheld radiation detection equipment at foreign seaports under such terms and conditions as the Secretary prescribes, including nonreimbursable loans or the transfer of ownership of equipment; and

(ii) provide training and technical assistance for domestic or foreign personnel responsible for operating or maintaining such equipment.

(C) TRAINING.—The Secretary may provide training on the use of inspection equipment, or other training that the Secretary determines to be appropriate to secure the international supply chain, to foreign personnel at each port designated under CSI.

(h) PERSONNEL.—The Secretary shall—

(1) annually assess the personnel needs at each port designated under CSI; and

(2) deploy personnel in accordance with the assessment under paragraph (1).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $142,000,000 for fiscal year 2007;

(2) $144,000,000 for fiscal year 2008; and

(3) $146,000,000 for fiscal year 2009.

SEC. 3123. CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM VALIDATION PROGRAM.

(a) ESTABLISHMENT.—

(1) ESTABLISHMENT.—The Secretary is authorized to establish a voluntary 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.

(2) MINIMUM SECURITY REQUIREMENTS.—The Secretary shall review the minimum security requirements of C-TPAT at least once every year and update such requirements as necessary.

(b) 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.

(c) MINIMUM REQUIREMENTS.—An applicant seeking to participate in C-TPAT shall—

(1) demonstrate a history of moving commerce in the international supply chain;

(2) conduct an assessment of its supply chains based upon security criteria established by the Secretary, 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; and

(4) meet all other requirements established by the Secretary.

(d) TIER ONE PARTICIPANTS.—

(1) BENEFITS.—The Secretary may offer limited benefits to C-TPAT participants whose security measures and supply chain security practices have been certified in accordance with the guidelines established pursuant to subsection (c).

(2) GUIDELINES.—The Secretary shall update guidelines for certifying a C-TPAT participant's security measures and supply chain security practices under this section.

(e) TIER TWO PARTICIPANTS.—

(1) IN GENERAL.—Not later than 1 year after a C-TPAT participant has been certified under subsection (d), the Secretary shall

validate the security measures and supply chain security practices of that participant. Such validation shall include assessments at appropriate foreign locations utilized by the participant as part of the supply chain.

(2) CONSEQUENCES FOR FAILED VALIDATION.—If a C-TPAT participant's security measures and supply chain security practices fail to meet the validation requirements under this section, the Commissioner of Customs may—

(A) deny the participant benefits under C-TPAT on a temporary or permanent basis; or

(B) suspend or expel the participant from C-TPAT.

(3) RIGHT OF APPEAL.—A C-TPAT participant described in this subsection may file an appeal with the Secretary of the Commissioner's decision under paragraph (2) to deny benefits under C-TPAT or under paragraph (2) to suspend or expel the participant from C-TPAT.

(4) BENEFITS.—The Secretary shall extend benefits to each C-TPAT participant that has been validated under this section, which may include—

(A) reduced examinations; and

(B) priority processing for searches.

(f) TIER THREE PARTICIPANTS.—

(1) IN GENERAL.—The Secretary shall establish a third tier of C-TPAT that offers additional benefits to C-TPAT participants that demonstrate a sustained commitment beyond the minimum criteria for participation in C-TPAT.

(2) ADDITIONAL CRITERIA.—The Secretary shall designate criteria for C-TPAT participants under this section that may include criteria to ensure—

(A) cargo is loaded on a vessel with a vessel security plan approved under section 70103(c) of title 46, United States Code, or on a vessel with a valid International Ship Security Certificate as provided for under part 104 of title 33, Code of Federal Regulations;

(B) container security devices, policies, or practices that exceed the standards and procedures established by the Secretary are utilized; and

(C) cargo complies with any other requirements determined by the Secretary.

(3) BENEFITS.—The Secretary, in consultation with the Commercial Operations Advisory Committee (COAC) and the National Maritime Security Advisory Committee, may provide benefits to C-TPAT participants under this section, which may include—

(A) the expedited release of tier three cargo into destination ports within the United States during all threat levels designated by the Secretary;

(B) preference to vessels;

(C) further reduced examinations;

(D) priority processing for examinations; and,

(E) further reduced scores in the Automated Targeting System.

(4) DEFINITION.—In this section, the term ''container security device'' means a mechanical or electronic device designed to, at a minimum, positively identify containers and detect and record unauthorized intrusion of containers. Such devices shall have false alarm rates that have been demonstrated to be below one percent.

(g) CONSEQUENCES FOR LACK OF COMPLIANCE.—

(1) IN GENERAL.—If a C-TPAT participant's security measures and supply chain security practices fail to meet any of the requirements under this title, the Commissioner may deny the participant benefits in whole or in part under this section.

(2) FALSE OR MISLEADING INFORMATION.—If a C-TPAT participant intentionally provides false or misleading information during the validation process of the participant under this section, the Commissioner of Customs shall suspend or expel the participant from C-TPAT for a period of not less than 5 years.

(3) RIGHT OF APPEAL.—A C-TPAT participant may file an appeal with the Secretary of the Commissioner's decision under this subsection to deny benefits or suspend or expel the participant from C-TPAT.

(h) REVALIDATION.—The Secretary shall establish a process for revalidating C-TPAT participants under this title. Such revalidation shall occur not less frequently than once during every 4-year period following the initial validation.

(i) NON-CONTAINERIZED CARGO.—The Secretary may consider the potential for participation in C-TPAT by importers of non-containerized cargoes that otherwise meet the requirements under this section.

(j) STRATEGIC PLAN.—A 5-year Strategic Plan to identify outcome-based goals and performance measures of the Program.

(1) ANNUAL PLAN.—An annual plan for each fiscal year designed to match available resources to the projected workload.

(2) RESOURCE MANAGEMENT STAFFING PLAN.—The Commissioner shall—

(A) develop a staffing plan to recruit, train, and retain staff (including a formalized training program) to meet the objectives identified in the strategic plan;

(B) conduct a study of the Program's training needs and develop a comprehensive training program to support the certification, validation, and revalidation processes of the Program; and

(C) provide cross-training in post-incident trade resumption for personnel engaged in the Program.

(k) ADDITIONAL PERSONNEL.—In each of the fiscal years 2007 through 2009, the Secretary shall increase by not less than 50 (over the previous fiscal year) the number of positions for validation and revalidation activities of the C-TPAT, and shall provide appropriate training and support for the positions.

(l) CONFIDENTIAL INFORMATION SAFEGUARDS.—In consultation with COAC, 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, validation, or revalidation. The procedures shall include—

(1) measures for protecting data shared with any government agency;

(2) measures for providing a secure system for document storage accessible only to the appropriate personnel;

(3) measures for storing all electronic files in a manner that prevents theft, copying, or deletion; and

(4) measures for labeling all records to clearly mark what is considered confidential or a trade secret.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $75,000,000 for each of the fiscal years 2007 through 2009 to carry out this section.

SEC. 3124. TECHNICAL REQUIREMENTS FOR NON-INTRUSIVE INSPECTION EQUIPMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Domestic Nuclear Detection Office, in consultation with the Director of the National Institute of Science and Technology and the Commissioner of Customs, shall initiate a rulemaking—

(1) to establish minimum technical requirements for the capabilities of non-intrusive inspection equipment for cargo, including imaging and radiation devices; and

(2) to ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary.

(b) ENDORSEMENTS; SOVEREIGNTY CONFLICTS.—In establishing such requirements, the Director of the Domestic Nuclear Detection Office shall be careful to avoid the endorsement of products associated with specific companies.

(c) FINAL RULE DEADLINE.—The Director of the Domestic Nuclear Detection Office shall issue a final rule under subsection (a) not later than 1 year after the rulemaking proceeding is initiated.

SEC. 3125. RANDOM INSPECTION OF CONTAINERS.

Not later than 1 year after the date of the enactment of this Act, the Commissioner of Customs shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Commissioner. Nothing in this section shall be construed to mean that implementation of the random sampling plan would preclude the additional physical inspection of shipping containers not inspected pursuant to the plan.

SEC. 3126. INTERNATIONAL TRADE DATA SYSTEM.

(a) IN GENERAL.—Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following new subsections:

''(d) INTERNATIONAL TRADE DATA SYSTEM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Secretary of the Treasury (in this section, referred to as the 'Secretary') shall oversee the establishment of an electronic trade data interchange system to be known as the 'International Trade Data System' (ITDS). The ITDS shall be implemented not later than the date that the Automated Commercial Environment (commonly referred to as 'ACE') is implemented.

''(B) PURPOSE.—The purpose of the ITDS is to eliminate redundant information requirements, to efficiently regulate the flow of commerce, and to effectively enforce laws and regulations relating to international trade, by establishing a single portal system, operated by the United States Customs and Border Protection, for the collection and distribution of standard electronic import and export data required by all Federal agencies.

''(C) PARTICIPATION.—

''(i) IN GENERAL.—All Federal agencies that require documentation for clearing or licensing the importation and exportation of cargo shall participate in the ITDS.

''(ii) WAIVER.—The Director of the Office of Management and Budget may waive, in whole or in part, the requirement for participation for any Federal agency based on national security.

''(D) CONSULTATION.—The Secretary shall consult with and assist agencies in the transition from paper to electronic format for the submission, issuance, and storage of documents relating to data required to enter cargo into the United States.

''(2) DATA ELEMENTS.—

''(A) IN GENERAL.—The Interagency Steering Committee established under paragraph (3) shall, in consultation with the agencies participating in the ITDS, define the standard set of data elements to be collected, stored, and shared in the ITDS. The Steering Committee shall periodically review the data elements in order to update the data elements, as necessary.

''(B) HARMONIZATION.—The Interagency Steering Committee shall ensure that the ITDS data requirements are compatible with the commitments or obligations established by the World Customs Organization (WCO) and the World Trade Organization (WTO) for the entry of cargo.

''(C) COORDINATION.—The Secretary of the Treasury shall be responsible for coordinating operation of the ITDS among the participating agencies and the office within the

United States Customs and Border Protection that is responsible for maintaining the ITDS.

''(3) STEERING COMMITTEE.—There is established an Interagency Steering Committee. The members of the committee shall include the Secretary of the Treasury (who shall serve as the chairperson of the committee), the Director of the Office of Management and Budget, and the head of each agency participating in the ITDS. The Steering Committee shall assist the Secretary of the Treasury in overseeing the implementation of, and participation in, the ITDS.

''(4) REPORT.—The Steering Committee shall submit a report annually to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. Each report shall include information on—

''(A) the status of the ITDS implementation;

''(B) the extent of participation in the ITDS by Federal agencies;

''(C) the remaining barriers to any agency's participation;

''(D) the extent to which the ITDS is consistent with applicable standards established by the World Customs Organization and the World Trade Organization;

''(E) recommendations for technological and other improvements to the ITDS; and

''(F) the status of the Bureau's development, implementation, and management of the Automated Commercial Environment.

''(e) TREASURY OVERSIGHT.—The Secretary of the Treasury shall ensure that no fewer than 5 full-time equivalents in the Office of Tax, Trade, and Tariff Policy are available—

''(1) to carry out oversight of the customs revenue functions delegated to the Secretary of Homeland Security pursuant to section 412 of the Homeland Security Act of 2002 (6 U.S.C. 212); and

''(2) to carry out oversight of the International Trade Data System established under this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2007, 2008, and 2009, $750,000 for salaries and expenses required to carry out subsection (e).''.

TITLE XXXII—RAIL SECURITY

SEC. 3201. SHORT TITLE.

This title may be cited as the ''Rail Security Act of 2006''.

SEC. 3202. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY AND RISK ASSESSMENT.—The Secretary of Homeland Security shall establish a task force, consisting of representatives of the Transportation Security Administration, the Department of Transportation, and other appropriate Federal agencies, which shall complete a vulnerability and risk assessment of freight and passenger rail transportation (including railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Secretary of Homeland Security will work with the entities describe in subsection (b) and make use of existing expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate Federal agencies;

(B) the identification and evaluation of critical assets and infrastructures;

(C) the identification of vulnerabilities and risks to those assets and infrastructures;

(D) the identification of vulnerabilities and risks that are specific to the transportation of hazardous materials by railroad;

(E) the identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

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

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

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

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

(3) PLANS.—The report required under subsection (c) shall include—

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

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives. The report shall contain the assessment, prioritized recommendations, and plans required under subsection (a) and an estimate of the cost to implement such recommendations. The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) ANNUAL UPDATES.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) FUNDING.—From the funds appropriated for fiscal year 2007, pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), $5,000,000 shall be made available to the Secretary of Homeland Security to carry out this section.

SEC. 3203. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c), the Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration, may award grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, D.C.;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

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

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

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds provided to Amtrak under subsection (a) for projects contained in an Amtrak systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary of Homeland Security shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 3202, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) FUNDING.—

(1) IN GENERAL.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of the Transportation Security Administration to carry out this section—

(A) $63,500,000 for fiscal year 2007;

(B) $30,000,000 for fiscal year 2008; and

(C) $30,000,000 for fiscal year 2009.

(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 3204. FIRE AND LIFE-SAFETY IMPROVEMENTS.

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

(b) FUNDING.—From the funds appropriated pursuant to section 3217(b), there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a)—

(1) $190,000,000 for each of the fiscal years 2007, 2008, and 2009 for the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers;

(2) $19,000,000 for each of the fiscal years 2007, 2008, and 2009 for the Baltimore & Potomac and Union tunnels, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades; and

(3) $13,333,000 for each of the fiscal years 2007, 2008, and 2009 for the Union Station tunnels in Washington, D.C., to improve ventilation, communication, lighting, and passenger egress upgrades.

(c) INFRASTRUCTURE UPGRADES.—From the funds appropriated for fiscal year 2007, pursuant to section 3217(b), $3,000,000 shall be made available to the Secretary of Transportation for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—

(1) INITIAL REVIEW.—Not later than 45 days after the date on which a plan required by paragraphs (1) and (2) of subsection (e) is submitted by Amtrak, the Secretary of Transportation shall complete a review of the plan and approve or disapprove the plan. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies.

(2) SUBMISSION OF MODIFIED PLAN.—Not later than 30 days after receiving notification from the Secretary under paragraph (1), Amtrak shall submit a modified plan for the Secretary's review.

(3) REVIEW OF MODIFIED PLAN.—Not later than 15 days after receiving additional information on items previously included in the plan, and not later than 45 days after receiving items newly included in a modified plan, the Secretary shall—

(A) approve the modified plan; or

(B) if the Secretary finds the plan is still incomplete or deficient—

(i) submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that describes the portions of the plan the Secretary finds incomplete or deficient;

(ii) approve all other portions of the plan; and

(iii) obligate the funds associated with those other portions.

(4) AGREEMENT.—Not later than 15 days after the partial approval of a modified plan under paragraph (3), the Secretary shall execute an agreement with Amtrak that describes a process for resolving the remaining portions of the modified plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary of Transportation, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a), shall—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 3205. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Secretary of Homeland Security, through the Assistant Secretary of the Transportation Security Administration and other appropriate Federal agencies, may award grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges, research centers, and State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section 3202, including—

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

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

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

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

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

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

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

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

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

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

(11) other improvements recommended by the report required by section 3202, including infrastructure, facilities, and equipment upgrades.

(b) GRANTS TO AMTRAK.—The Secretary of Homeland Security, through the Secretary of Transportation, may award grants to Amtrak for the purposes described in subsection (a).

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

(d) ALLOCATION.—The Secretary of Homeland Security shall distribute the funds made available under this section based on risk and vulnerability as determined under section 3202. The Secretary shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall take into account passenger volume and whether a station is used by commuter rail passengers and intercity rail passengers.

(e) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (b) unless Amtrak meets the conditions set forth in section 3203(b).

(f) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless the Secretary of Homeland Security determines, based on the assessment required under section 3202, that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, a grant may not be awarded under this section—

(1) to Amtrak in an amount in excess of $45,000,000; or

(2) for the purposes described in paragraph (3) or (5) of subsection (a) in an amount in excess of $80,000,000.

(g) FUNDING.—

(1) IN GENERAL.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), $100,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal years 2007, 2008, and 2009 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

(h) HIGH HAZARD MATERIALS DEFINED.—In this title, the term ''high hazard materials'' means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, determines pose a security risk.

SEC. 3206. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of the Transportation Security Administration, in consultation with the Secretary of Transportation shall carry out a research and development program to improve freight and intercity passenger rail security. The program may include research and development projects to—

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

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

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

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

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials; and

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

(6) other projects that address vulnerabilities and risks identified under section 3202.

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

(1) is sponsoring a research and development project in a similar area as of the date of the enactment of this Act; or

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

(c) GRANTS AND ACCOUNTABILITY.—In carrying out the research and development program established under this section, the Secretary of Homeland Security—

(1) may award grants to the entities described in subsections (a) and (b) of section 3205; and

(2) shall adopt necessary procedures, including audits, to ensure that grant funds disbursed under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) FUNDING.—

(1) IN GENERAL.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), $35,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal years 2007, 2008, and 2009 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 3207. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Homeland Security may expend not more than 0.5 percent of the amounts made available for capital projects under this title—

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

(2) to oversee construction of such projects; and

(3) to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this title.

(b) PROCEDURES FOR GRANT AWARD.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall prescribe procedures and schedules for the awarding of grants under this title, including—

(A) application and qualification procedures (including a requirement that the applicant have a security plan);

(B) a record of decision on applicant eligibility; and

(C) the execution of a grant agreement between the grant recipient and the Secretary.

(2) CONSISTENCY.—The procedures prescribed under this subsection shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

SEC. 3208. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by inserting after section 24313 the following:

"§ 24314. Plans to address needs of families of passengers involved in rail passenger accidents

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

''(b) CONTENTS OF PLANS.—The plan submitted by Amtrak under subsection (a) shall include the following:

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

''(2) A plan for creating and publicizing a reliable, toll-free telephone number not later than 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

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

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

''(5) A process by which—

''(A) the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control;

''(B) any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and

''(C) any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for not less than 18 months.

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

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

''(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

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

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(f) FUNDING.—From the funds appropriated for fiscal year 2007 pursuant to section 3217(b) of the Rail Security Act of 2006, $500,000 shall be made available to the Secretary of Transportation for the use of Amtrak to carry out this section. Amounts made available under this subsection shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by inserting after the item relating to section 24313 the following:

''24314. Plan to assist families of passengers involved in rail passenger accidents.''.

SEC. 3209. NORTHERN BORDER RAIL PASSENGER REPORT.

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

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in ''The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America'', dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the ''Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States'', dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. 3210. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for

a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address—

(1) the determination of the seriousness of any occurrence;

(2) crew communication and coordination;

(3) appropriate responses to defend or protect oneself;

(4) use of protective devices;

(5) evacuation procedures;

(6) psychology of terrorists to cope with hijacker behavior and passenger responses;

(7) situational training exercises regarding various threat conditions; and

(8) any other subject the Secretary considers to be appropriate.

(c) RAILROAD CARRIER SECURITY TRAINING PROGRAMS.—

(1) IN GENERAL.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review.

(2) PROGRAM REVIEW.—Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements.

(3) RAILROAD CARRIER RESPONSE.—A railroad carrier shall respond to the Secretary's comments not later than 30 days after receiving such comments.

(d) TRAINING.—

(1) IMPLEMENTATION.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program.

(2) REPORT.—The Secretary shall review implementation of the training program of a representative sample of railroad carriers and submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that contains the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term ''front-line workers'' means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b), as appropriate.

SEC. 3211. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following:

''§ 20116. Whistleblower protection for rail security matters

''(a) DISCRIMINATION AGAINST EMPLOYEE.—A rail carrier engaged in interstate or foreign commerce may not discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security;

''(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

''(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

''(b) DISPUTE RESOLUTION.—

''(1) IN GENERAL.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 of such Act to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed.

''(2) DAMAGES.—If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

''(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B), including the burdens of proof, applies to any complaint brought under this section.

''(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

''(e) DISCLOSURE OF IDENTITY.—(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

''(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) if the matter is referred to the Attorney General for enforcement.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20115 the following:

''20116. Whistleblower protection for rail security matters.''.

SEC. 3212. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration and the Secretary of Transportation, shall require rail carriers transporting a high hazard material and of a quantity equal or exceeding the quantities of such material listed in section 172.800, title 49, Code of Federal Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier described in subsection (a) shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security not later than 60 days after the date of the enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary not later than 180 days after the rail carrier receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary not later than 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation, shall review each plan developed under this section and submit comments to the railroad carrier concerning any revisions that the Secretary considers to be necessary. A railroad carrier shall respond to the Secretary's comments not later than 30 days after receiving such comments. Each rail carrier shall update and resubmit its plan for review not less than once every 2 years.

(d) DEFINITIONS.—In this section:

(1) HIGH-CONSEQUENCE TARGET.—The term ''high-consequence target'' means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) CATASTROPHIC IMPACT ZONE.—The term ''catastrophic impact zone'' means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) RAIL CARRIER.—The term ''rail carrier'' has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 3213. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the Department of Transportation and the Department of Homeland Security signed on

September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the each department in addressing railroad transportation security matters, including the processes each department will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking ''safety'' the first place it appears, and inserting ''safety, including security,''.

SEC. 3214. RAIL SECURITY ENHANCEMENTS.

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

(1) by inserting ''(A) IN GENERAL'' before ''Under''; and

(2) by striking ''the rail carrier'' each place it appears and inserting ''any rail carrier''.

(b) REVIEW OF RAIL REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of the Transportation Security Administration, shall review the rail regulations of the Department of Transportation in existence as of the date of the enactment of this Act to identify areas in which such regulations need to be revised to improve rail security.

SEC. 3215. PUBLIC AWARENESS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness.

(b) CONTENTS.—The plan developed under this section shall—

(1) be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security; and

(2) provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security.

(c) IMPLEMENTATION.—Not later than 9 months after the date of the enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. 3216. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section 3206 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration, shall develop a program that will encourage the equipping of rail cars transporting high hazard materials in quantities equal to or greater than the quantities listed in section 172.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), $3,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal years 2007, 2008, and 2009 to carry out this section.

SEC. 3217. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

''(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for rail security—

''(1) $206,500,000 for fiscal year 2007;

''(2) $168,000,000 for fiscal year 2008; and

''(3) $168,000,000 for fiscal year 2009.''.

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20116 and 24314 of title 49, United States Code, as added by this title—

(1) $225,000,000 for fiscal year 2007;

(2) $223,000,000 for fiscal year 2008; and

(3) $223,000,000 for fiscal year 2009.

TITLE XXXIII—MASS TRANSIT SECURITY

SEC. 3301. SHORT TITLE.

This title may be cited as the ''Public Transportation Terrorism Prevention Act of 2006''.

SEC. 3302. FINDINGS.

Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless death and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation's economy and for significant national and international public events;

(5) the Federal Transit Administration has invested $74,900,000,000 since 1992 for construction and improvements to the Nation's public transportation systems;

(6) the Federal Government appropriately invested $18,100,000,000 in fiscal years 2002 through 2005 to protect our Nation's aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated $250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested $7.38 in aviation security improvements per passenger, but only $0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation's public transportation systems.

SEC. 3303. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) REVIEW.—Not later than July 31, 2007, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section 3304, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2007, the Secretary of Homeland Security, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1), shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section 3304.

(5) UPDATES.—Not later than July 31, 2008, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2007, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. 3304. SECURITY ASSISTANCE GRANTS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section 3303(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section 3303(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section 3303(a)(4); and

(F) other appropriate security improvements identified under section 3303(a)(4), excluding routine, ongoing personnel costs.

(c) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(d) PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(e) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. 3305. INTELLIGENCE SHARING.

(a) INTELLIGENCE SHARING.—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) INFORMATION SHARING ANALYSIS CENTER.—

(1) ESTABLISHMENT.—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the ''ISAC'') established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) PUBLIC TRANSPORTATION AGENCY PARTICIPATION.—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. 3306. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary of Homeland Security, in consultation with the Federal Transit Administration, shall award grants to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used to—

(1) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(2) research imaging technologies;

(3) conduct product evaluations and testing; and

(4) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) REPORTING REQUIREMENT.—Each entity that receives a grant under this section shall report annually to the Department of Homeland Security on the use of grant funds received under this section.

(d) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee shall return any amount so used to the Treasury of the United States.

SEC. 3307. REPORTING REQUIREMENTS.

(a) SEMI-ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31 and September 30 each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

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

(A) a description of the implementation of the provisions of sections 3303 through 3306;

(B) the amount of funds appropriated to carry out the provisions of each of sections 3303 through 3306 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) ANNUAL REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than March 31 each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) CONTENTS.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated $2,370,000,000 for fiscal year 2007 to carry out the provisions of section 3304(a), which shall remain available until expended.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out the provisions of section 3304(b)—

(1) $534,000,000 for fiscal year 2007;

(2) $333,000,000 for fiscal year 2008; and

(3) $133,000,000 for fiscal year 2009.

(c) INTELLIGENCE.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 3305.

(d) RESEARCH.—There are authorized to be appropriated $130,000,000 for fiscal year 2007 to carry out the provisions of section 3306, which shall remain available until expended.

SEC. 3309. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2010.

TITLE XXXIV—AVIATION SECURITY

SEC. 3401. INAPPLICABILITY OF LIMITATION ON EMPLOYMENT OF PERSONNEL WITHIN TRANSPORTATION SECURITY ADMINISTRATION TO ACHIEVE AVIATION SECURITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the conditions set forth in subsection (b) are met, the Secretary of Homeland Security is not required to—

(1) comply with any statutory limitation on the number of employees in the Transportation Security Administration (referred to in this section as the ''TSA''), whether before or after the transfer of the TSA from the Department of Transportation to the Department of Homeland Security; or

(2) comply with any administrative rule or regulation imposing a limitation on the recruitment or employment of personnel in the TSA to a maximum number of permanent positions.

(b) CONDITIONS.—The conditions set forth in this subsection are met if the enforcement or compliance with a limitation, rule, or regulation described in subsection (a) would prevent the Secretary of Homeland Security from recruiting and employing in the TSA such personnel as may be necessary—

(1) to provide the highest levels of aviation security; and

(2) to accomplish the objective specified in paragraph (1) in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to less than 10 minutes.

SEC. 3402. AVIATION RESEARCH AND DEVELOPMENT FOR EXPLOSIVE DETECTION.

(a) ADVANCED EXPLOSIVES DETECTION SYSTEMS.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of the Transportation Security Administration, and in consultation with the Secretary of Transportation, shall, in carrying out research and development on the detection of explosive materials at airport security checkpoints, focus on the detection of explosive materials, including liquid explosives, in a manner that—

(1) improves the ability of airport security technologies to determine which items could—

(A) threaten safety;

(B) be used as an explosive; or

(C) assembled into an explosive device; and

(2) results in the development of an advanced screening technology that incorporates existing technologies into a single screening system.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(A) $200,000,000 for fiscal year 2008; and

(B) $250,000,000 for fiscal year 2009.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 3403. AVIATION REPAIR STATION SECURITY.

(a) CERTIFICATION OF FOREIGN REPAIR STATIONS SUSPENSION.—Beginning on the date that is 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations,

unless the Under Secretary for Border and Transportation Security has issued final regulations, pursuant to section 44924(f) of title 49, United States Code, to ensure the security of foreign and domestic aircraft repair stations.

(b) 6-MONTH DEADLINE FOR SECURITY REVIEW AND AUDIT.—Section 44924 of title 49, United States Code, is amended by striking ''18 months'' each place it appears and inserting ''6 months''.

DIVISION E—A NEW DIRECTION IN IRAQ

TITLE XLI—UNITED STATES POLICY ON IRAQ

SEC. 4001. UNITED STATES POLICY ON IRAQ.

(a) SHORT TITLE.—This section may be cited as the ''United States Policy on Iraq Act of 2006''.

(b) FINDINGS.—Congress makes the following findings:

(1) Global terrorist networks, including those that attacked the United States on September 11, 2001, continue to threaten the national security of the United States and are recruiting, planning, and developing capabilities to attack the United States and its allies throughout the world.

(2) Winning the fight against terrorist networks requires an integrated, comprehensive effort that uses all facets of power of the United States and the members of the international community who value democracy, freedom, and the rule of law.

(3) The United States Armed Forces, particularly the Army and Marine Corps, are stretched thin, and many soldiers and Marines have experienced three or more deployments to combat zones.

(4) Sectarian violence has surpassed the insurgency and terrorism as the main security threat in Iraq, increasing the prospects of a broader civil war which could draw in Iraq's neighbors.

(5) United States and coalition forces have trained and equipped more than 129,000 Iraqi soldiers, sailors, and airmen, and more than 165,000 Iraqi police, highway patrol, and other Ministry of Interior forces.

(6) Of the 106 operational Iraqi Army combat battalions, 85 are either in the lead or operating independently, according to the August 2006 report of the Administration to Congress entitled ''Measuring Stability and Security in Iraq'';

(7) Congress expressed its sense in the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3466) that ''calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq''.

(8) Iraq's security forces are heavily infiltrated by sectarian militia, which has greatly increased sectarian tensions and impeded the development of effective security services loyal to the Iraq Government.

(9) With the approval by the Iraqi Council of Representatives of the ministers of defense, national security, and the interior on June 7, 2006, the entire cabinet of Prime Minister Maliki is now in place.

(10) Pursuant to the Iraq Constitution, the Council of Representatives is to appoint a Panel which will have 4 months to recommend changes to the Iraq Constitution.

(11) Despite pledges of more than $8,000,000,000 in assistance for Iraq by foreign governments other than the United States at the Madrid International Donors' Conference in October 2003, only $3,500,000,000 of such assistance has been forthcoming.

(12) The current open-ended commitment of United States forces in Iraq is unsustainable and a deterrent to the Iraqis making the political compromises and personnel and resource commitments that are needed for the stability and security of Iraq.

(c) SENSE OF CONGRESS.—It is the sense of Congress that in order to change course from an open-ended commitment and to promote the assumption of security responsibilities by the Iraqis, thus advancing the chances for success in Iraq—

(1) the following actions need to be taken to help achieve the broad-based and sustainable political settlement so essential for defeating the insurgency and preventing all-out civil war—

(A) there must be a fair sharing of political power and economic resources among all the Iraqi groups so as to invest them in the formation of an Iraqi nation by either amendments to the Iraq Constitution or by legislation or other means, within the timeframe provided for in the Iraq Constitution;

(B) the President should convene an international conference so as to more actively involve the international community and Iraq's neighbors, promote a durable political settlement among Iraqis, reduce regional interference in Iraq's internal affairs, encourage more countries to contribute to Iraq's extensive needs, and ensure that pledged funds are forthcoming;

(C) the Iraq Government should promptly and decisively disarm the militias and remove those members of the Iraqi security forces whose loyalty to the Iraq Government is in doubt; and

(D) the President should—

(i) expedite the transition of United States forces in Iraq to a limited presence and mission of training Iraqi security forces, providing logistic support of Iraqi security forces, protecting United States infrastructure and personnel, and participating in targeted counterterrorism activities;

(ii) after consultation with the Government of Iraq, begin the phased redeployment of United States forces from Iraq this year; and

(iii) submit to Congress a plan by the end of 2006 with estimated dates for the continued phased redeployment of United States forces from Iraq, with the understanding that unexpected contingencies may arise;

(2) during and after the phased redeployment of United States forces from Iraq, the United States will need to sustain a nonmilitary effort to actively support reconstruction, governance, and a durable political solution in Iraq; and

(3) the President should carefully assess the impact that ongoing United States military operations in Iraq are having on the capability of the United States Government to conduct an effective counterterrorism campaign to defeat the broader global terrorist networks that threaten the United States.

SEC. 4002. SENSE OF SENATE ON NEED FOR A NEW DIRECTION IN IRAQ POLICY AND IN THE CIVILIAN LEADERSHIP OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Armed Forces of the United States have served honorably and courageously in Iraq, with more than 2,600 brave Americans having made the ultimate sacrifice and more than 20,000 wounded.

(2) The current ''stay the course'' policy in Iraq has made America less secure, reduced the readiness of our troops, and burdened America's taxpayers with more than $300,000,000,000 in additional debt.

(3) With weekly attacks against American and Iraqi troops at their highest levels since the start of the war, and sectarian violence intensifying, it is clear that staying the course in Iraq is not a strategy for success.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) our troops deserve, and the American people expect, the George W. Bush Administration to provide competent civilian leadership and a true strategy for success in Iraq; and

(2) President George W. Bush needs to change course in Iraq to provide a strategy for success, and one indication of such a change of course would be to replace the current Secretary of Defense.

TITLE XLII—SPECIAL COMMITTEE OF SENATE ON WAR AND RECONSTRUCTION CONTRACTING

SEC. 4101. FINDINGS.

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) Waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

SEC. 4102. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this title referred to as the ''Special Committee'').

SEC. 4103. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

SEC. 4104. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

SEC. 4105. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this subtitle, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. 4106. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

SEC. 4107. REPORTS.

(a) INITIAL REPORT.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section 4103 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section 4103.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 4108. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—

(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) MAJORITY STAFF.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) NONDESIGNATED STAFF.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) COMPENSATION.—

(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. 4109. TERMINATION.

The Special Committee shall terminate on July 1, 2008.

SEC. 4110. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 559—CALLING ON THE PRESIDENT TO TAKE IMMEDIATE STEPS TO HELP STOP THE VIOLENCE IN DARFUR

Mr. BIDEN. (for himself, Mr. DEWINE, Mr. LUGAR, Mr. KERRY, Mrs. CLINTON, Ms. CANTWELL, Mr. DODD, Mr. NELSON of Florida, Mr. LEVIN, Mr. FEINGOLD, Mr. DURBIN, Mrs. BOXER, Mr. VOINOVICH, Mr. SPECTER, Mr. CHAFEE,

Mr. SUNUNU, Mr. MCCAIN, Mr. BROWNBACK, Mr. COLEMAN, Mr. LIEBERMAN, Mr. SALAZAR, Mr. SCHUMER, Mr. LEAHY, Mrs. MURRAY, Mr. INOUYE, Mr. HAGEL, Mr. FRIST, and Mr. SMITH) submitted the following resolution; which was referred to the Committee on Foreign Relations.

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 Darfurt 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 thepiis 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)

Mr. BIDEN. Mr. President, today I am introducing a resolution along with my colleague Senator DEWINE urging the President to take immediate action to avert a looming tragedy in Darfur, Sudan. The government of Sudan has launched an all-out military offensive in Darfur that could result in hundreds of thousands of additional deaths. The United States must lead the international community to save those lives. It is urgent that we act.

How did we arrive at such a situation? And what must we do to stop it?

Over the past two years the situation in Sudan has remained dire. As many as 400,000 people may be dead. Two million people have been displaced from their homes, over 200,000 are refugees in Chad, and three 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 Minnawi faction of the Sudan Liberation Army, SLA,—signed a peace agreement. Rather than 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 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—fifty thousand in the last two 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 ten compared to this time last year. Twelve humanitarian workers have been killed in the past four months—more than during the previous year. Two hundred internally displaced women have been raped and another two hundred violently assaulted in over the course of the past five 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. U.N. Security Council Resolution 1706 authorizes the deployment of over 17,000 peace keepers and 3000 civilian police to Darfur. Regrettably, however, the government of Sudan has rejected the deployment of the U.N. force, instead launching a military offensive in Darfur. African Union officials have stated that they will not extend the mission in Sudan past the end of this month. And even if the aforementioned impediments did not exist, it would be months before a U.N. mission could fully deploy.

Just to make absolutely sure a peacekeeping force is never deployed, the government of Khartoum has gone on the offensive. If it scorches enough earth—and people—there will be no need for the peacekeeping force because there will be no one left to protect and no peace to keep.

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 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 a provision in the supplemental appropriations bill that was signed into law in June. The administration has avoided doing so for years, and our diplomatic efforts have suffered as a result.

I'm under no illusion that these actions alone will stop the Sudanese government. The international community must put a credible force on the ground as soon as possible. NATO should be prepared to help the AMIS hand-off to the United Nations. It is imperative that the President pick up the phone and talk to our NATO allies about how to do that. He should also call the president of the African Union and the U.N. Secretary General about going to Khartoum to talk to President Bashir about his government's rejection of the U.N. Security Council resolution. And the Secretary of State must get involved in diplomatic efforts to convince the Sudanese to cooperate with the implementation of Security Council resolution. I understand that Assistant Secretary of State Frazer was sent to Khartoum over the Labor Day weekend. She met with President Bashir, but according to all reports, the meeting did not result in any change in Khartoum's posture towards the deployment of U.N. troops. I applaud the administration for sending Dr. Frazer. But with all due respect I think we need to be engaged at higher levels.

It has been 12 years since the international community watched nearly a million people get killed in Rwanda, and 11 years since the world stood by as the massacres in Srebrenica occurred. Since then, President Clinton took decisive action to stop ethnic cleansing act in Bosnia, and then in Kosovo. Both missions were controversial—even unpopular. But the cost of inaction was too high. The cost of inaction in Darfur is too high as well.

SENATE RESOLUTION 560—SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

Mr. COLEMAN (for himself, Mr. ALLEN, Mr. BAYH, Mr. BROWNBACK, Mr. CARPER, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HATCH, Mr. ISAKSON, Mr. JOHNSON, Mr. KERRY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. REED, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. TALENT, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 560

Whereas an estimated 12,400 children will be diagnosed with cancer in the year 2005;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children will die from cancer in the year 2005;

Whereas the incidence of cancer among children in the United States is rising by about one percent each year;

Whereas 1 in every 330 Americans develops cancer before age 20;

Whereas approximately 8 percent of deaths of those between 1 and 19 years of age are caused by cancer;

Whereas while some progress has been made, a number of funding opportunities for childhood cancer research still remain;

Whereas increasing the focus on childhood cancer research requires the recruitment of additional investigators and physicians to pediatric oncology;

Whereas peer-reviewed clinical trials are the standard of care for pediatrics and have improved cancer survival rates among children;

Whereas the number of survivors of childhood cancer continues to grow, with about 1 in 640 adults between the ages of 20 and 39 having a history of cancer;

Whereas up to ⅔ of childhood cancer survivors are likely to experience at least one late effect from treatment, many of which may be life-threatening;

Whereas some late effects of cancer treatment are identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and may have serious consequences; and

Whereas 89 percent of children with cancer experience substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should support—

(1) public and private sector efforts to promote awareness about the incidence of cancer among children, the signs and symptoms of cancer in children, treatment options, and long-term follow-up;

(2) public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;

(3) medical trainees and investigators in the field of pediatric oncology;

(4) policies that provide incentives to encourage the development of drugs and biologics designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials;

(6) medical education curricula designed to improve pain management for cancer patients; and

(7) policies that enhance education, services, and other resources related to late effects from treatment.

SENATE RESOLUTION 561—DESIGNATING THE MONTH OF SEPTEMBER 2006, AS ''RURAL AMERICA MONTH''

Mr. REID (for himself, Mrs. LINCOLN, Mr. FRIST, Mr. BURNS, Mr. BYRD, Mr. SALAZAR, Mr. SCHUMER, Mrs. CLINTON, Mr. PRYOR, Mr. BAUCUS, Mr. LIEBERMAN, Mrs. BOXER, Mr. BINGAMAN, Mr. DORGAN, Mr. NELSON of Florida, Mr. DAYTON, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 561

Whereas more than 55 million people live in rural areas of the country;

Whereas rural areas make up eighty percent of the United States landscape;

Whereas our rural communities are diverse, dynamic engines for growth in America;

Whereas the contribution of rural Americans to the national economy is invaluable;

Whereas rural America's natural renewable resources can help our nation break its dangerous reliance on foreign oil;

Whereas rural America's farmers and ranchers feed families across the country and around the globe while being stewards of our land and natural resources;

Whereas rural Americans look to their local police officers, firefighters, EMTs and National Guard to keep them safe in times of national emergencies;

Whereas the highest concentrations of veterans are found in rural counties;

Whereas rural Americans deserve access to affordable health care;

Whereas rural Americans deserve the finest education we can offer;

Whereas rural America is a key part of our growing information highway;

Whereas Americans in rural areas reflect values that make America great—community, service, hard work, family, and responsibility—their contributions should be recognized and commended: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September 2006, as 'Rural America Month' and

(2) encourages the people of the United States to observe 'Rural America Month' with appropriate ceremonies and activities during the month of September.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4907. Mr. CONRAD (for himself, Mr. DORGAN, Mr. SALAZAR, Mr. MENENDEZ, Mrs. LINCOLN, Mr. KERRY, Mr. OBAMA, Mr. PRYOR, Mr. BINGAMAN, Mr. DAYTON, Mr. KENNEDY, and Mr. LEAHY) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

SA 4908. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4909. Mr. MENENDEZ proposed an amendment to the bill H.R. 5631, supra.

SA 4910. Mr. REID (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4911. Mr. REED (for himself, Mr. BAYH, and Mr. DORGAN) proposed an amendment to the bill H.R. 5631, supra.

SA 4912. Mr. REID (for himself, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra.

SA 4913. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5631, supra.

SA 4914. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. BURNS, Mr. DORGAN, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4915. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. BURNS, Mr. DORGAN, Ms. CANTWELL, Mr. REID, and Mr. SALAZAR) proposed an amendment to the bill H.R. 5631, supra.

SA 4916. Mr. STEVENS (for Mr. COCHRAN) proposed an amendment to the bill H.R. 5631, supra.

SA 4917. Mr. STEVENS proposed an amendment to the bill H.R. 5631, supra.

SA 4918. Mr. STEVENS proposed an amendment to the bill H.R. 5631, supra.

SA 4919. Mr. FRIST (for himself, Mr. REID, Ms. COLLINS, Mr. STEVENS, Mr. GRASSLEY, Mrs. MURRAY, Mr. INOUYE, Mr. BAUCUS, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. ALLEN) proposed an amendment to the bill H.R. 4954, to improve maritime and cargo security

through enhanced layered defenses, and for other purposes.

SA 4920. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 4921. 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.

TEXT OF AMENDMENTS

SA 4907. Mr. CONRAD (for himself, Mr. DORGAN, Mr. SALAZAR, Mr. MENENDEZ, Mrs. LINCOLN, Mr. KERRY, Mr. OBAMA, Mr. PRYOR, Mr. BINGAMAN, Mr. DAYTON, Mr. KENNEDY, and Mr. LEAHY) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 230, beginning on line 15, strike ''$19,265,000'' and all that follows through line 16 and insert the following: ''$219,265,000, to remain available until September 30, 2008: *Provided*, That $200,000,000 of such funds is available only for a unit dedicated to bringing to justice Osama bin Laden and other key leaders of al Qaeda: *Provided further*, That the Secretary of Defense shall, not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, submit to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a classified report on progress made by the operations in the global war on terrorism for which funding is provided in this Act, including an assessment of the likely current location of terrorist leaders, including Osama bin Laden and other key leaders of al Qaeda, a description of ongoing efforts to bring to justice such terrorists, a description of the cooperation provided by the governments of any countries assessed as likely locations of top leaders of al Qaeda and by other relevant countries, a description of diplomatic efforts currently being made to improve the cooperation of any such governments, and a description of the status of, and strategy for bringing to justice, perpetrators of terrorism including the top leadership of al Qaeda: *Provided further*, That the Secretary of Defense shall prepare such reports in consultation with other appropriate officials with regard to funds appropriated under this chapter: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.''

SA 4908. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading ''Research, Development, Test and Evaluation, Air Force'', up to $1,000,000 may be available for the Environment Systems, Management, Analysis, and Reporting Network (E–SMART) threat analysis program.

SA 4909. Mr. MENENDEZ proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8019. (a) PROHIBITION ON USE OF FUNDS FOR CERTAIN PUBLIC RELATIONS ACTIVITIES.—None of the amounts appropriated or otherwise made available by this Act may be obligated or expended for a public relations program designed to monitor news media in the United States and the Middle East and create a database of news stories to promote positive coverage of the war in Iraq.

(b) SCOPE.—The prohibition in subsection (a) shall not apply to programs and activities of the Department of Defense directed at collecting or analyzing information in the news media.

SA 4910. Mr. REID (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

SEC. 9012. (a) Congress makes the following findings:

(1) Despite the signing of the Darfur Peace Agreement on May 5, 2006, the violence in Darfur, Sudan, continues to escalate and threatens to spread to other areas of Sudan and throughout the region.

(2) The African Union Mission in Sudan (AMIS) currently serves as the primary security force in Sudan, but is undermanned and under-equipped.

(3) Although the United Nations has approved sending a peacekeeping force to Darfur, the African Union Mission in Sudan (AMIS) will need to expand its manpower and capability in order to assist or serve as a bridge force until the United Nations peacekeeping force can be deployed.

(b) The amount appropriated or otherwise made available by chapter 2 of this title under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' is hereby increased by $20,000,000.

(c) Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', as increased by subsection (b), $20,000,000 may be available—

(1) to assist in the training, support, and equipping of the African Union Mission in Sudan (AMIS) to bolster its efforts to protect the civilian population in Darfur;

(2) to facilitate the air-lifting of AMIS forces into the Darfur region as quickly as possible; and

(3) to assist and expand the logistics capability of the African Union Mission in Sudan (AMIS).

(d) The Secretary of Defense may transfer funds made available under subsection (b) to other appropriations to accomplish the purposes of this section. This transfer authority is in addition to any other transfer authority available to the Department of Defense. The Secretary shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

SA 4911. Mr. REED (for himself, Mr. BAYH, and Mr. DORGAN) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title IX, add the following:

SEC. 9012. (a) ADDITIONAL AMOUNT FOR AIRCRAFT PROCUREMENT, AIR FORCE.—The amount appropriated by chapter 3 of this title under the heading ''Aircraft Procurement, Air Force'' is hereby increased by $65,400,000, with the amount of the increase designated as appropriations for contingency operations directly related to the Global War on Terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Con. Res. 818 (109th Congress) and designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by Section 7035 of Public Law 109–234.

(b) AVAILABILITY FOR PROCUREMENT OF PREDATORS.—Of the amount appropriated by chapter 3 of this title under the heading ''Aircraft Procurement, Air Force'' as increased by subsection (a), up to $65,400,000 may be available for procurement of Predators for Special Operations forces.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose specified in that subsection is in addition to any other amounts available in this Act for that purpose.

SA 4912. Mr. REID (for himself, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title IX, add the following:

SEC. 9012. (a) Congress makes the following findings:

(1) Despite the signing of the Darfur Peace Agreement on May 5, 2006, the violence in Darfur, Sudan, continues to escalate and threatens to spread to other areas of Sudan and throughout the region.

SA 4913. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title IX, add the following:

SEC. 9012. (a) REPORT ON CONTINGENCY PLANNING IN THE EVENT OF CIVIL WAR IN IRAQ.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the contingency plans of the Department of Defense to protect United States

military and civilian personnel in the event of a civil war in Iraq.

(b) FORM.—The report required by subsection (a) may be submitted in classified form.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—IN THIS SECTION, THE TERM ''APPROPRIATE COMMITTEES OF CONGRESS'' MEANS—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on International Relations, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SA 4914. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. BURNS, Mr. DORGAN, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 230, between lines 16 and 17, insert the following:

DEPARTMENT OF THE INTERIOR

For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF THE INTERIOR'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $100,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of the Interior, to be made available beginning on the date of enactment of this Act and to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

DEPARTMENT OF AGRICULTURE

For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF AGRICULTURE'' of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $175,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of Agriculture, acting through the Chief of the Forest Service, to be made available beginning on the date of enactment of this Act and to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SA 4915. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. BURNS, Mr. DORGAN, Ms. CANTWELL, Mr. REID, and Mr. SALAZAR) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 230, between lines 16 and 17, insert the following:

DEPARTMENT OF THE INTERIOR

For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF THE INTERIOR'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $100,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of the Interior. *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

DEPARTMENT OF AGRICULTURE

For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF AGRICULTURE'' of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $175,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of Agriculture, acting through the Chief of the Forest Service: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SA 4916. Mr. STEVENS (for Mr. COCHRAN) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $300,000 may be available for independent testing of the Joint Improvised Explosive Device Neutralizer III, with such test to be designed and conducted by the Marine Corps Warfighting Laboratory.

(2) The African Union Mission in Sudan (AMIS) currently serves as the primary security force in Sudan, but is undermanned and underequipped.

(3) Although the United Nations has approved sending a peacekeeping force to Darfur, the African Union Mission in Sudan (AMIS) will need to expand its manpower and capability in order to assist or serve as a bridge force until the United Nations peacekeeping force can be deployed.

(b) The amount appropriated or otherwise made available by chapter 2 of this title under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' is hereby increased by $20,000,000.

(c) Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', AS INCREASED BY SUBSECTION (B), $20,000,000 MAY BE AVAILABLE—

(1) to assist in the training, support, and equipping of the African Union Mission in Sudan (AMIS) to bolster its efforts to protect the civilian population in Darfur;

(2) to facilitate the air-lifting of AMIS forces into the Darfur region as quickly as possible; and

(3) to assist and expand the logistics capability of the African Union Mission in Sudan (AMIS).

(d) The amount made available by subsection (b) is designated as appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

(e) The Secretary of Defense may transfer funds made available by subsection (b) to other appropriations to accomplish the purposes of this section. This transfer authority is in addition to any other transfer authority available to the Department of Defense. The Secretary shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

SA 4917. Mr. STEVENS proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8109. Notwithstanding any other provision of law, the Secretary of the Army may reimburse a member for expenses incurred by the member or family member when such expenses are otherwise not reimbursable under law:

Provided, That such expenses must have been incurred in good faith as a direct consequence of reasonable preparation for, or execution of, military orders:

Provided further, That reimbursement under this section shall be allowed only in situations wherein other authorities are insufficient to remedy a hardship determined by the Secretary, and only when the Secretary determines that reimbursement of the expense is in the best interest of the member and the United States:

Provided further, That this provision shall only apply to soldiers assigned to the 172nd Stryker Brigade Combat Team.

SA 4918. Mr. STEVENS proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'' for DARPA Management Headquarters, up to $1,000,000 may be available for the Heavy Fuel Diesel Engine (PE #0603286E).

SA 4919. Mr. FRIST (for himself, Mr. REID, Ms. COLLINS, Mr. STEVENS, Mr. GRASSLEY, Mrs. MURRAY, Mr. INOUYE, Mr. BAUCUS, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. ALLEN) 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:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Port Security Improvement 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. Definitions.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

Sec. 101. Area Maritime Transportation Security Plan to include salvage response plan.
Sec. 102. Requirements relating to maritime facility security plans.
Sec. 103. Unannounced inspections of maritime facilities.
Sec. 104. Transportation security card.
Sec. 105. Long-range vessel tracking.
Sec. 106. Establishment of interagency operational centers for port security.

Subtitle B—Port Security Grants; Training and Exercise Programs

Sec. 111. Port security grants.
Sec. 112. Port Security Training Program.
Sec. 113. Port Security Exercise Program.

Subtitle C—Port Operations

Sec. 121. Domestic radiation detection and imaging.
Sec. 122. Port security user fee study.
Sec. 123. Inspection of car ferries entering from Canada.
Sec. 124. Random searches of containers.
Sec. 125. Work stoppages and employee-employer disputes.

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.
Sec. 202. Post incident resumption of trade.
Sec. 203. Automated Targeting System.
Sec. 204. Container security standards and procedures.
Sec. 205. Container Security Initiative.

Subtitle B—Customs-Trade Partnership Against Terrorism

Sec. 211. Establishment.
Sec. 212. Eligible entities.
Sec. 213. Minimum requirements.
Sec. 214. Tier 1 participants in C–TPAT.
Sec. 215. Tier 2 participants in C–TPAT.
Sec. 216. Tier 3 participants in C–TPAT.
Sec. 217. Consequences for lack of compliance.
Sec. 218. Revalidation.
Sec. 219. Noncontainerized cargo.
Sec. 220. C–TPAT Program management.
Sec. 221. Resource management staffing plan.
Sec. 222. Additional personnel.
Sec. 223. Authorization of appropriations.
Sec. 224. Report to Congress.

Subtitle C—Miscellaneous Provisions

Sec. 231. Pilot integrated scanning system.
Sec. 232. International cooperation and coordination.

TITLE III—ADMINISTRATION

Sec. 301. Office of Cargo Security Policy.
Sec. 302. Reauthorization of Homeland Security Science and Technology Advisory Committee.
Sec. 303. Research, development, test, and evaluation efforts in furtherance of maritime and cargo security.

TITLE IV—AGENCY RESOURCES AND OVERSIGHT

Sec. 401. Office of International Trade.
Sec. 402. Resources.
Sec. 403. Negotiations.
Sec. 404. International Trade Data System.
Sec. 405. In-bond cargo.
Sec. 406. Sense of the Senate.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise defined, the term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations of the Senate;

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

(C) the Committee on Finance of the Senate;

(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

(E) the Committee on Appropriations of the House of Representatives;

(F) the Committee on Homeland Security of the House of Representatives;

(G) the Committee on Transportation and Infrastructure of the House of Representatives; and

(H) the Committee on Ways and Means of the House of Representatives.

(2) COMMERCIAL SEAPORT PERSONNEL.—The term ''commercial seaport personnel'' means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters of the United States.

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.

(4) CONTAINER.—The term ''container'' has the meaning given the term in the International Convention for Safe Containers, with annexes, done at Geneva, December 2, 1972 (29 UST 3707).

(5) CONTAINER SECURITY DEVICE.—The term ''container security device'' means a device or system designed, at a minimum, to detect the unauthorized intrusion of a container and secure containers against tampering or compromise throughout the international supply chain.

(6) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(7) EXAMINATION.—The term ''examination'' means an inspection of cargo to detect the presence of misdeclared, restricted, or prohibited items that utilizes nonintrusive imaging and detection technology.

(8) INSPECTION.—The term ''inspection'' means the comprehensive process used by the United States Customs and Border Protection to assess goods entering the United States to appraise them for duty purposes, to detect the presence of restricted or prohibited items, and to ensure compliance with all applicable laws. The process may include screening, conducting an examination, or conducting a search.

(9) 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.

(10) 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.

(11) SCAN.—The term ''scan'' means utilizing nonintrusive imaging equipment, radiation detection equipment, or both, to capture data, including images of a container.

(12) 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.

(13) 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.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(15) 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.

(16) 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:

''(l) 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 establish minimum technical capability criteria and standard operating procedures for the use of nonintrusive imaging and radiation detection equipment in conjunction with the Container Security Initiative 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; and

(4) shall be applied to the equipment operated at each foreign seaport designated under the Container Security Initiative, except as provided under paragraph (2).

(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;

(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;

(3) resolve every radiation alarm according to established Department procedures;

(4) utilize the information collected to enhance the Automated Targeting System or other relevant programs; and

(5) store the information for later retrieval 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.—As soon as practicable and possible after the date of enactment of this Act, an integrated scanning system shall be implemented to scan all containers entering the United States prior to arrival in the United States.

SEC. 232. INTERNATIONAL COOPERATION AND COORDINATION.

(a) INSPECTION TECHNOLOGY AND TRAINING.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of State, the Secretary of Energy, and appropriate representatives of other Federal agencies, may provide technical assistance, equipment, and training to facilitate the implementation of supply chain security measures at ports designated under the Container Security Initiative and at other foreign ports, as appropriate.

(2) ACQUISITION AND TRAINING.—Unless otherwise prohibited by law, the Secretary may—

(A) lease, loan, provide, or otherwise assist in the deployment of nonintrusive inspection and handheld radiation detection equipment at foreign land and sea ports under such terms and conditions as the Secretary prescribes, including nonreimbursable loans or the transfer of ownership of equipment; and

(B) provide training and technical assistance for domestic or foreign personnel responsible for operating or maintaining such equipment.

(b) ACTIONS AND ASSISTANCE FOR FOREIGN PORTS.—Section 70110 of title 46, United States Code, is amended—

(1) by striking the section header and inserting the following:

"§ 70110. Actions and assistance for foreign ports"

; and

(2) by adding at the end the following:

"(e) ASSISTANCE FOR FOREIGN PORTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, and the Secretary of Energy, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a program to utilize the programs that are capable of implementing port security antiterrorism measures at ports in

foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

''(2) CARIBBEAN BASIN.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

''(A) the strategic location of such ports between South America and the United States;

''(B) the relative openness of such ports; and

''(C) the significant number of shipments of narcotics to the United States that are moved through such ports.''.

(c) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the security of ports in the Caribbean Basin.

(2) CONTENTS.—The report submitted under paragraph (1)—

(A) shall include—

(i) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(ii) an estimate of the number of ports in the Caribbean Basin that will not be secured by January 1, 2007;

(iii) an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(iv) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(B) may be submitted in both classified and redacted formats.

(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

''70110. Actions and assistance for foreign ports.''.

TITLE III—ADMINISTRATION

SEC. 301. OFFICE OF CARGO SECURITY POLICY.

(a) ESTABLISHMENT.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

''SEC. 431. OFFICE OF CARGO SECURITY POLICY.

''(a) ESTABLISHMENT.—There is established within the Department an Office of Cargo Security Policy (referred to in this section as the 'Office').

''(b) PURPOSE.—The Office shall—

''(1) coordinate all Department policies relating to cargo security; and

''(2) consult with stakeholders and coordinate with other Federal agencies in the establishment of standards and regulations and to promote best practices.

''(c) DIRECTOR.—

''(1) APPOINTMENT.—The Office shall be headed by a Director, who shall—

''(A) be appointed by the Secretary; and

''(B) report to the Assistant Secretary for Policy.

''(2) RESPONSIBILITIES.—The Director shall—

''(A) advise the Assistant Secretary for Policy in the development of Department-wide policies regarding cargo security;

''(B) coordinate all policies relating to cargo security among the agencies and offices within the Department relating to cargo security; and

''(C) coordinate the cargo security policies of the Department with the policies of other executive agencies.''.

(b) DESIGNATION OF LIAISON OFFICE OF DEPARTMENT OF STATE.—The Secretary of State shall designate a liaison office within the Department of State to assist the Secretary, as appropriate, in negotiating cargo security related international agreements.

(c) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 430 the following:

''Sec. 431. Office of cargo security policy.''.

SEC. 302. REAUTHORIZATION OF HOMELAND SECURITY SCIENCE AND TECHNOLOGY ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 311(j) of the Homeland Security Act of 2002 (6 U.S.C. 191(j)) is amended by striking ''3 years after the effective date of this Act'' and inserting ''on December 31, 2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if enacted on the date of the enactment of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

(c) ADVISORY COMMITTEE.—The Assistant Secretary for Science and Technology shall utilize the Homeland Security Science and Technology Advisory Committee, as appropriate, to provide outside expertise in advancing cargo security technology.

SEC. 303. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS IN FURTHERANCE OF MARITIME AND CARGO SECURITY.

(a) IN GENERAL.—The Secretary shall—

(1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security;

(2) coordinate with public and private sector entities to develop and test technologies and process innovations in furtherance of these objectives; and

(3) evaluate such technologies.

(b) COORDINATION.—The Secretary, in coordination with the Undersecretary for Science and Technology, the Assistant Secretary for Policy, the Chief Financial Officer, and the heads of other appropriate offices or entities of the Department, shall ensure that—

(1) research, development, test, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated within the Department and with other appropriate Federal agencies to avoid duplication of efforts; and

(2) the results of such efforts are shared throughout the Department and with other Federal, State, and local agencies, as appropriate.

TITLE IV—AGENCY RESOURCES AND OVERSIGHT

SEC. 401. OFFICE OF INTERNATIONAL TRADE.

Section 2 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072), is amended by adding at the end the following:

''(d) OFFICE OF INTERNATIONAL TRADE.—

''(1) ESTABLISHMENT.—There is established within the United States Customs and Border Protection an Office of International Trade that shall be headed by an Assistant Commissioner.

''(2) TRANSFER OF ASSETS, FUNCTIONS, AND PERSONNEL; ELIMINATION OF OFFICES.—

''(A) OFFICE OF STRATEGIC TRADE.—Not later than 90 days after the date of the enactment of the Port Security Improvement Act of 2006, the Commissioner shall transfer the assets, functions, and personnel of the Office of Strategic Trade to the Office of International Trade established pursuant to paragraph (1) and the Office of Strategic Trade shall be abolished.

''(B) OFFICE OF REGULATIONS AND RULINGS.—Not later than 90 days after the date of the enactment of the Port Security Improvement Act of 2006, the Commissioner shall transfer the assets, functions, and personnel of the Office of Regulations and Rulings to the Office of International Trade established pursuant to paragraph (1) and the Office of Regulations and Rulings shall be abolished.

''(C) OTHER TRANSFERS.—The Commissioner is authorized to transfer any other assets, functions, or personnel within the United States Customs and Border Protection to the Office of International Trade established pursuant to paragraph (1). Not later than 30 days after each such transfer, the Commissioner shall notify the Committee on Appropriations, the Committee on Finance, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives of the specific assets, functions, or personnel, that were transferred, and the reason for such transfer.

''(e) INTERNATIONAL TRADE POLICY COMMITTEE.—

''(1) ESTABLISHMENT.—The Commissioner shall establish an International Trade Policy Committee, to be chaired by the Commissioner, and to include the Deputy Commissioner, the Assistant Commissioner in the Office of Field Operations, the Assistant Commissioner in the Office of International Affairs, the Assistant Commissioner in the Office of International Trade, and the Director of the Office of Trade Relations.

''(2) RESPONSIBILITIES.—The International Trade Policy Committee shall—

''(A) be responsible for advising the Commissioner with respect to the commercial customs and trade facilitation functions of the United States Customs and Border Protection; and

''(B) assist the Commissioner in coordinating with the Assistant Secretary for Policy regarding commercial customs and trade facilitation functions.

''(3) ANNUAL REPORT.—Not later than 30 days after the end of each fiscal year, the International Trade Policy Committee shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. The report shall—

''(A) detail the activities of the International Trade Policy Committee during the preceding fiscal year; and

''(B) identify the priorities of the International Trade Policy Committee for the current fiscal year.

''(f) INTERNATIONAL TRADE FINANCE COMMITTEE.—

''(1) ESTABLISHMENT.—The Commissioner shall establish an International Trade Finance Committee, to be chaired by the Commissioner, and to include the Deputy Commissioner, the Assistant Commissioner in the Office of Finance, the Assistant Commissioner in the Office of International Trade, and the Director of the Office of Trade Relations.

''(2) RESPONSIBILITIES.—The Trade Finance Committee shall be responsible for overseeing the operation of all programs and systems that are involved in the assessment and collection of duties, bonds, and other charges or penalties associated with the entry of cargo into the United States, or the export of cargo from the United States, including the administration of duty drawback and the

collection of antidumping and countervailing duties.

''(3) ANNUAL REPORT.—Not later than 30 days after the end of each fiscal year, the Trade Finance Committee shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. The report shall—

''(A) detail the activities and findings of the Trade Finance Committee during the preceding fiscal year; and

''(B) identify the priorities of the Trade Finance Committee for the current fiscal year.

''(g) DEFINITION.—In this section, the term 'Commissioner' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.''.

SEC. 402. RESOURCES.

Section 301 of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075) is amended by adding at the end the following:

''(h) RESOURCE ALLOCATION MODEL.—

''(1) RESOURCE ALLOCATION MODEL.—Not later than June 30, 2007, and every 2 years thereafter, the Commissioner shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a Resource Allocation Model to determine the optimal staffing levels required to carry out the commercial operations of United States Customs and Border Protection, including commercial inspection and release of cargo and the revenue functions described in section 412(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)(2)). The model shall comply with the requirements of section 412(b)(1) of such Act and shall take into account previous staffing models and historic and projected trade volumes and trends. The Resource Allocation Model shall apply both risk-based and random sampling approaches for determining adequate staffing needs for priority trade functions, including—

''(A) performing revenue functions;

''(B) enforcing antidumping and countervailing laws;

''(C) protecting intellectual property rights;

''(D) enforcing provisions of law relating to trade in textiles and apparel;

''(E) conducting agricultural inspections;

''(F) enforcing fines, penalties and forfeitures; and

''(G) facilitating trade.

''(2) PERSONNEL.—

''(A) IN GENERAL.—Not later than September 30, 2007, the Commissioner shall ensure that the requirements of section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) are fully satisfied and shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the implementation of this subparagraph.

''(B) CUSTOMS AND BORDER PROTECTION OFFICERS.—The initial Resource Allocation Model required pursuant to paragraph (1) shall provide for the hiring of a minimum of 725 additional Customs and Border Protection Officers. The Commissioner shall hire such additional officers, subject to the appropriation of funds to pay for the salaries and expenses of such officers, of which the Commissioner shall assign—

''(i) 1 additional officer at each port of entry in the United States; and

''(ii) the balance of the additional officers authorized by this subsection among ports of entry in the United States.

''(C) ASSIGNMENT.—In assigning such officers pursuant to subparagraph (B), the Commissioner shall consider the volume of trade and the incidence of nonvoluntarily disclosed customs and trade law violations in addition to security priorities among such ports of entry.

''(D) REDISTRIBUTION.—Not later than September 30, 2008, the Director of Field Operations in each Field Office may, at the request of the Director of a Service Port reporting to such Field Office, direct the redistribution of the additional personnel provided for pursuant to subparagraph (B) among the ports of entry reporting to such Field Office. The Commissioner shall promptly report any redistribution of personnel pursuant to subparagraph (B) to the Committee on Homeland Security and Governmental Affairs and Committee on Finance of the Senate, and the Committee on Homeland Security and Committee on Ways and Means of the House of Representatives.

''(3) AUTHORIZATION OF APPROPRIATIONS.—In addition to any monies hereafter appropriated to United States Customs and Border Protection in the Department of Homeland Security, there are authorized to be appropriated for the purpose of meeting the requirements of paragraph (2)(B), to remain available until expended—

''(A) $85,000,000 for fiscal year 2008.

''(B) $132,000,000 for fiscal year 2009.

''(C) $137,000,000 for fiscal year 2010.

''(D) $142,000,000 for fiscal year 2011.

''(E) $147,000,000 for fiscal year 2012.

''(4) REPORT.—Not later than 30 days after the end of each fiscal year, the Commissioner shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the resources directed to commercial and trade facilitation functions within the Office of Field Operations for the preceding fiscal year. Such information shall be reported for each category of personnel within the Office of Field Operations.

''(5) REGULATIONS TO IMPLEMENT TRADE AGREEMENTS.—Not later than 30 days after the date of the enactment of the Port Security Improvement Act of 2006, the Commissioner shall designate and maintain not less than 5 attorneys within the Office of International Trade established pursuant to section 2 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072) with primary responsibility for the prompt development and promulgation of regulations necessary to implement any trade agreement entered into by the United States.

''(6) DEFINITION.—As used in this subsection, the term 'Commissioner' means the Commissioner responsible for United States Customs and Border Protection in the Department of Homeland Security.''.

SEC. 403. NEGOTIATIONS.

Section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) is amended by adding at the end the following:

''(h) CUSTOMS PROCEDURES AND COMMITMENTS.—

''(1) IN GENERAL.—The Secretary of Homeland Security, the United States Trade Representative, and other appropriate Federal officials, shall work through appropriate international organizations including the World Customs Organization (WCO), the World Trade Organization (WTO), the International Maritime Organization, and the Asia-Pacific Economic Cooperation, to align, to the extent practicable, customs procedures, standards, requirements, and commitments in order to facilitate the efficient flow of international trade.

''(2) UNITED STATES TRADE REPRESENTATIVE.—

''(A) IN GENERAL.—The United States Trade Representative shall seek commitments in negotiations in the WTO regarding the articles of GATT 1994 that are described in subparagraph (B) that make progress in achieving—

''(i) harmonization of import and export data collected by WTO members for customs purposes, to the extent practicable;

''(ii) enhanced procedural fairness and transparency with respect to the regulation of imports and exports by WTO members;

''(iii) transparent standards for the efficient release of cargo by WTO members, to the extent practicable; and

''(iv) the protection of confidential commercial data.

''(B) ARTICLES DESCRIBED.—The articles of the GATT 1994 described in this subparagraph are the following:

''(i) Article V (relating to transit).

''(ii) Article VIII (relating to fees and formalities associated with importation and exportation).

''(iii) Article X (relating to publication and administration of trade regulations).

''(C) GATT 1994.—The term 'GATT 1994' means the General Agreement on Tariff and Trade annexed to the WTO Agreement.

''(3) CUSTOMS.—The Secretary of Homeland Security, acting through the Commissioner and in consultation with the United States Trade Representative, shall work with the WCO to facilitate the efficient flow of international trade, taking into account existing international agreements and the negotiating objectives of the WTO. The Commissioner shall work to—

''(A) harmonize, to the extent practicable, import data collected by WCO members for customs purposes;

''(B) automate and harmonize, to the extent practicable, the collection and storage of commercial data by WCO members;

''(C) develop, to the extent practicable, transparent standards for the release of cargo by WCO members;

''(D) develop and harmonize, to the extent practicable, standards, technologies, and protocols for physical or nonintrusive examinations that will facilitate the efficient flow of international trade; and

''(E) ensure the protection of confidential commercial data.

''(4) DEFINITION.—In this subsection, the term 'Commissioner' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.''.

SEC. 404. INTERNATIONAL TRADE DATA SYSTEM.

Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following:

''(d) INTERNATIONAL TRADE DATA SYSTEM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Secretary of the Treasury (in this section, referred to as the 'Secretary') shall oversee the establishment of an electronic trade data interchange system to be known as the 'International Trade Data System' (ITDS). The ITDS shall be implemented not later than the date that the Automated Commercial Environment (commonly referred to as 'ACE') is implemented.

''(B) PURPOSE.—The purpose of the ITDS is to eliminate redundant information requirements, to efficiently regulate the flow of commerce, and to effectively enforce laws and regulations relating to international trade, by establishing a single portal system, operated by the United States Customs and Border Protection, for the collection and distribution of standard electronic import and export data required by all participating Federal agencies.

''(C) PARTICIPATION.—

''(i) IN GENERAL.—All Federal agencies that require documentation for clearing or licensing the importation and exportation of cargo shall participate in the ITDS.

''(ii) WAIVER.—The Director of the Office of Management and Budget may waive, in

whole or in part, the requirement for participation for any Federal agency based on the national security interests of the United States.

''(D) CONSULTATION.—The Secretary shall consult with and assist agencies in the transition from paper to electronic format for the submission, issuance, and storage of documents relating to data required to enter cargo into the United States.

''(2) DATA ELEMENTS.—

''(A) IN GENERAL.—The Interagency Steering Committee (established under paragraph (3)) shall, in consultation with the agencies participating in the ITDS, define the standard set of data elements to be collected, stored, and shared in the ITDS. The Interagency Steering Committee shall periodically review the data elements in order to update the standard set of data elements, as necessary.

''(B) COMMITMENTS AND OBLIGATIONS.—The Interagency Steering Committee shall ensure that the ITDS data requirements are compatible with the commitments and obligations of the United States as a member of the World Customs Organization (WCO) and the World Trade Organization (WTO) for the entry and movement of cargo.

''(C) COORDINATION.—The Secretary shall be responsible for coordinating operation of the ITDS among the participating agencies and the office within the United States Customs and Border Protection that is responsible for maintaining the ITDS.

''(3) INTERAGENCY STEERING COMMITTEE.—There is established an Interagency Steering Committee (in this section, referred to as the 'Committee'). The members of the Committee shall include the Secretary (who shall serve as the chairperson of the Committee), the Director of the Office of Management and Budget, and the head of each agency participating in the ITDS. The Committee shall assist the Secretary in overseeing the implementation of, and participation in, the ITDS.

''(4) REPORT.—The Committee shall submit a report before the end of each fiscal year to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. Each report shall include information on—

''(A) the status of the ITDS implementation;

''(B) the extent of participation in the ITDS by Federal agencies;

''(C) the remaining barriers to any agency's participation;

''(D) the consistency of the ITDS with applicable standards established by the World Customs Organization and the World Trade Organization;

''(E) recommendations for technological and other improvements to the ITDS; and

''(F) the status of the development, implementation, and management of the Automated Commercial Environment within the United States Customs and Border Protection..''.

SEC. 405. IN-BOND CARGO.

Title IV of the Tariff Act of 1930 is amended by inserting after section 553 the following:

''SEC. 553A. REPORT ON IN-BOND CARGO.

''(a) REPORT.—Not later than June 30, 2007, the Commissioner shall submit a report to the Committees on Commerce, Science, and Transportation, Finance, and Homeland Security and Governmental Affairs of the Senate and the Committees on Homeland Security, Transportation and Infrastructure, and Ways and Means of the House of Representatives that includes—

''(1) a plan for closing in-bond entries at the port of arrival;

''(2) an assessment of the personnel required to ensure 100 percent reconciliation of in-bond entries between the port of arrival and the port of destination or exportation;

''(3) an assessment of the status of investigations of overdue in-bond shipments and an evaluation of the resources required to ensure adequate investigation of overdue in-bond shipments;

''(4) a plan for tracking in-bond cargo within the Automated Commercial Environment (ACE);

''(5) an assessment of whether any particular technologies should be required in the transport of in-bond cargo;

''(6) an assessment of whether ports of arrival should require any additional information regarding shipments of in-bond cargo;

''(7) an evaluation of the criteria for targeting and examining in-bond cargo; and

''(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.

''(b) DEFINITION.—The term 'Commissioner' means the Commissioner responsible for the United States Customs and Border Protection in the Department of Homeland Security.''.

SEC. 406. SENSE OF THE SENATE.

It is the sense of the Senate that nothing in sections 2, 106, 111 through 113, and 201 through 232 of this Act shall be construed to affect the jurisdiction of any Standing Committee of the Senate.

SA 4920. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF THE INTERIOR

For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF THE INTERIOR'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $125,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of the Interior, to be made available beginning on the date of enactment of this Act and to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

DEPARTMENT OF AGRICULTURE

For an additional amount for ''WILDLAND FIRE MANAGEMENT'' under the heading ''DEPARTMENT OF AGRICULTURE'' of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54), $175,000,000 for the conduct of emergency wildfire suppression activities of the Secretary of Agriculture, acting through the Chief of the Forest Service, to be made available beginning on the date of enactment of this Act and to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SA 4921. 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:

TITLE —NATIONAL ALERT SYSTEM

SECTION —100. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. —100. Table of contents.

TITLE —NATIONAL ALERT SYSTEM

Sec. —101. Short title.
Sec. —102. National Alert System.
Sec. —103. Implementation and use.
Sec. —104. Coordination with existing public alert systems and authority.
Sec. —105. National Alert Office.
Sec. —106. National Alert System Working Group.
Sec. —107. Research and development.
Sec. —108. Grant program for remote community alert systems.
Sec. —109. Public familiarization, outreach, and response instructions.
Sec. —110. Essential services disaster assistance.
Sec. —111. Definitions.
Sec. —112. Existing interagency activities.
Sec. —113. Funding.

SEC. —101. SHORT TITLE.

This title may be cited as the ''Warning, Alert, and Response Network Act''.

SEC. —102. NATIONAL ALERT SYSTEM.

(a) ESTABLISHMENT.—There is established a National Alert System to provide a public communications system capable of alerting the public on a national, regional, or local basis to emergency situations requiring a public response.

(b) FUNCTIONS.—The National Alert System—

(1) will enable any Federal, State, tribal, or local government official with credentials issued by the National Alert Office under section —103 to alert the public to any imminent threat that presents a significant risk of injury or death to the public;

(2) will be coordinated with and supplement existing Federal, State, tribal, and local emergency warning and alert systems;

(3) will be flexible enough in its application to permit narrowly targeted alerts in circumstances in which only a small geographic area is exposed or potentially exposed to the threat; and

(4) will transmit alerts across the greatest possible variety of communications technologies, including digital and analog broadcasts, cable and satellite television, satellite and terrestrial radio, wireless communications, wireline communications, and the Internet to reach the largest portion of the affected population.

(c) CAPABILITIES.—The National Alert System—

(1) shall incorporate multiple communications technologies and be designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(2) shall include mechanisms and technologies to ensure that members of the public with disabilities and older individuals (as defined in section 102(35) of the Older Americans Act of 1965 (42 U.S.C. 3002(35))) are able to receive alerts and information provided through the National Alert System;

(3) may not interfere with existing alert, warning, priority access, or emergency communications systems employed by Federal,

State, tribal, or local emergency response personnel and shall incorporate existing emergency alert technologies, including the NOAA All-Hazards Radio System, digital and analog broadcast, cable, and satellite television and satellite and terrestrial radio;

(4) shall not be based upon any single technology or platform, but shall be designed to provide alerts to the largest portion of the affected population feasible and improve the ability of remote areas to receive alerts;

(5) shall incorporate technologies to alert effectively underserved communities (as determined by the Commission under section —108(a) of this title);

(6) when technologically feasible shall be capable of providing information in languages other than, and in addition to, English where necessary or appropriate; and

(7) shall be designed to promote local and regional public and private partnerships to enhance community preparedness and response.

(d) RECEPTION OF ALERTS.—The National Alert System shall—

(1) utilize multiple technologies for providing alerts to the public, including technologies that do not require members of the public to activate a particular device or use a particular technology to receive an alert provided via the National Alert System; and

(2) provide redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

(e) EMERGENCY ALERT SYSTEM.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall—

(1) ensure the President, Secretary of Homeland Security, and State Governors have access to the emergency alert system; and

(2) ensure that the Emergency Alert System can transmit in languages other than English.

SEC. —103. IMPLEMENTATION AND USE.

(a) AUTHORITY TO ACCESS SYSTEM.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the National Alert Office shall establish a process for issuing credentials to Federal, State, tribal, or local government officials with responsibility for issuing safety warnings to the public that will enable them to access the National Alert System. The Office shall approve or disapprove a request for credentials within 60 days of request by the Federal department or agency, the governor of the State or the elected leader of a federally recognized Indian tribe.

(2) REQUESTS FOR CREDENTIALS.—Requests for credentials from Federal, State, tribal, and local government agencies shall be submitted to the Office by the head of the Federal department or agency, or the governor of the State or the elected leader of a Federally recognized Indian tribe, concerned, for review and approval.

(3) SCOPE AND LIMITATIONS OF CREDENTIALS.—The Office shall—

(A) establish eligibility criteria for issuing, renewing, and revoking access credentials;

(B) limit credentials to appropriate geographic areas or political jurisdictions; and

(C) ensure that the credentials permit use of the National Alert System only for alerts that are consistent with the jurisdiction, authority, and basis for eligibility of the individual to whom the credentials are issued to use the National Alert System.

(4) PERIODIC TRAINING.—The Office shall—

(A) establish a periodic training program for Federal, State, tribal, or local government officials with credentials to use the National Alert System; and

(B) require such officials to undergo periodic training under the program as a prerequisite for retaining their credentials to use the system.

(b) ALLOWABLE ALERTS.—

(1) IN GENERAL.—Any alert transmitted via the National Alert System, other than an alert described in paragraph (3), shall meet 1 or more of the following requirements:

(A) An alert shall notify the public of a hazardous situation that poses an imminent threat to the public health or safety.

(B) An alert shall provide appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation.

(C) An alert shall advise individuals of public addresses by Federal, State, tribal, or local officials when related to a significant threat to public safety and transmit such addresses when practicable and technically feasible.

(D) An alert shall notify the public of when the hazardous situation has ended or has been brought under control.

(2) EVENT ELIGIBILITY REGULATIONS.—The director of the National Alert Office, in consultation with the Working Group, shall by regulation specify—

(A) the classes of events or situations for which the National Alert System may be used to alert the public; and

(B) the content of the types of alerts that may be transmitted by or through use of the National Alert System, which may include—

(i) notifications to the public of a hazardous situation that poses an imminent threat to the public health or safety accompanied by appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation; and

(ii) when technologically feasible public addresses by Federal, State, tribal, or local officials related to a significant threat to public safety.

(3) OPT-IN PROCEDURES FOR OPTIONAL ALERTS.—The director of the Office may establish a procedure under which licensees who elect to participate in the National Alert System as described in paragraph (d), may transmit localized traffic, weather, community, or other non-emergency alerts via the National Alert System in a manner that enables them to be received only by individuals who take appropriate action to receive such alerts.

(c) ACCESS POINTS.—The National Alert System shall provide—

(1) secure, widely dispersed multiple access points to Federal, State, or local government officials with credentials that will enable them to initiate alerts for transmission to the public via the National Alert System; and

(2) system redundancies to ensure functionality in the event of partial system failures, power failures, or other interruptive events.

(d) ELECTION TO CARRY SERVICE.—

(1) AMENDMENT OF LICENSE.—Within 60 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding and subsequently issue an order—

(A) to allow any licensee providing commercial mobile service (as defined in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1))) to transmit National Alert System alerts to all subscribers to, or users of, such service; and

(B) to require any such licensee who elects under paragraph (2) not to participate in the transmission of National Alert System alerts, to provide clear and conspicuous notice at the point of sale of any devices with which its service is included, that it will not transmit National Alert System alerts via its service.

(2) ELECTION TO CARRY SERVICE.—

(A) IN GENERAL.—Within 30 days after the Commission issues its order under paragraph (1), each such licensee shall file an election with the Commission with respect to whether or not it intends to participate in the transmission of National Alert System alerts.

(B) PARTICIPATION.—If a licensee elects to participate in the transmission of National Alert System alerts, the licensee shall certify to the Commission that it will participate in a manner consistent with the standards and protocols implemented by the National Alert Office.

(C) ADVERTISING.—Nothing in this title shall be construed to prevent a licensee from advertising that it participates in the transmission of National Alert System alerts.

(D) WITHDRAWAL FROM OR LATER ENTRY INTO SYSTEM.—The Commission shall establish a procedure—

(i) for a participating licensee to withdraw from the National Alert System upon notification of its withdrawal to its existing subscribers;

(ii) for a licensee to enter the National Alert System at a date later than provided in subparagraph (A); and

(iii) under which a subscriber may terminate a subscription to service provided by a licensee that withdraws from the National Alert System without penalty or early termination fee.

(E) CONSUMER CHOICE TECHNOLOGY.—Any licensee electing to participate in the transmission of National Alert System alerts may offer subscribers the capability of preventing the subscriber's device from receiving alerts broadcast by the system other than an alert issued by the President.

(3) EXPANSION OF CLASS OF LICENSEES PARTICIPATING.—The Commission, in consultation with the National Alert Office, may expand the class of licensees allowed to participate in the transmission of National Alert System alerts subject to such requirements as the Commission, in consultation with the National Alert Office, determines to be necessary or appropriate—

(A) to ensure the broadest feasible propagation of alerts transmitted by the National Alert System to the public; and

(B) to ensure that the functionality, integrity, and security of the National Alert System is not compromised.

(e) DIGITAL TELEVISION TRANSMISSION TOWERS.—

(1) RETRANSMISSION CAPABILITY.—Within 30 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding to require public broadcast television licensees and permittees to install necessary equipment and technologies on, or as part of, any broadcast television digital signal transmitter to enable the transmitter to serve as a backbone for the reception, relay, and retransmission of National Alert System alerts.

(2) COMPENSATION.—The National Alert Office established by section —105 shall compensate any such licensee or permittee for costs incurred in complying with the requirements imposed pursuant to paragraph (1).

(f) FCC REGULATION OF COMPLIANCE.—Except as provided in subsections (d) and (e), the Federal Communications Commission shall have no regulatory authority under this title except to regulate compliance with this title by licensees and permittees regulated by the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(g) LIMITATION OF LIABILITY.—Any person that participates in the transmission of National Alert System alerts and that meets its obligations under this title shall not be liable to any subscriber to, or user of, such person's service or equipment for—

(1) any act or omission related to or any harm resulting from the transmission of, or failure to transmit, a National Alert System alert to such subscriber or user;

(2) for the release to a government agency or entity, public safety, fire service, law enforcement official, or emergency facility of subscriber information used in connection with delivering an alert; or

(3) the licensee's or provider's withdrawal from or election not to participate in the National Alert System.

(h) TESTING.—The director shall establish testing criteria and guidelines for licensees that elect to participate in the transmission of National Alert System alerts.

SEC. —104. COORDINATION WITH EXISTING PUBLIC ALERT SYSTEMS AND AUTHORITY.

(a) EXISTING FEDERAL WARNING SYSTEM COORDINATION.—The director shall work with the Federal Communications Commission and other relevant Federal agencies to ensure that the National Alert System—

(1) complements, rather than duplicates, existing Federal alert systems; and

(2) obtains the maximum benefit possible from the utilization of existing research and development, technologies, and processes developed for or utilized by existing Federal alert systems.

(b) EXISTING ALERT AUTHORITY.—Nothing in this title shall be construed—

(1) to interfere with the authority of a Federal, State, or local government official under any other provision of law to transmit public alerts via the NOAA All-Hazards Radio System, digital and analog broadcast, cable, and satellite television and satellite and terrestrial radio, or any other emergency alert system in existence on the date of enactment of this Act;

(2) to require alerts transmitted under the authority described in paragraph (1) to comply with any standard established pursuant to section —103; or

(3) to require any Federal, State, or local government official to obtain credentials or undergo training under this title before transmitting alerts under the authority described in paragraph (1).

SEC. —105. NATIONAL ALERT OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The National Alert Office is established within the Department of Homeland Security.

(2) DIRECTOR.—The office shall be headed by a director with at least 5 years' operational experience in the management and issuance of warnings and alerts, hazardous event management, or disaster planning. The Director shall serve under and report to the Secretary of Homeland Security or his designee.

(3) STAFF.—The office shall have a staff with significant technical expertise in the communications industry and emergency public communications. The director may request the detailing, with or without reimbursement, of staff from any appropriate Federal department or agency in order to ensure that the concerns of all such departments and agencies are incorporated into the daily operation of the National Alert System.

(b) FUNCTIONS AND RESPONSIBILITIES.—

(1) IN GENERAL.—The Office shall administer, operate, and manage the National Alert System.

(2) IMPLEMENTATION OF WORKING GROUP RECOMMENDATIONS.—The Office shall be responsible for implementing the recommendations of the Working Group established by section —106 regarding—

(A) the technical transmission of alerts;

(B) the incorporation of new technologies into the National Alert System;

(C) the technical capabilities of the National Alert System; and

(D) any other matters that fall within the duties of the Working Group.

(3) TRANSMISSION OF ALERTS.—In administering the National Alert System, the director of the National Alert Office shall ensure that—

(A) the National Alert System is available to, and enables, only Federal, State, tribal, or local government officials with credentials issued by the National Alert Office under section —103 to access and utilize the National Alert System;

(B) the National Alert System is capable of providing geographically targeted alerts where such alerts are appropriate;

(C) the legitimacy and authenticity of any proffered alert is verified before it is transmitted;

(D) each proffered alert complies with formats, protocols, and other requirements established by the Office to ensure the efficacy and usefulness of alerts transmitted via the National Alert System;

(E) the security and integrity of a National Alert System alert from the point of origination to delivery is maintained; and

(F) the security and integrity of the National Alert System is maintained and protected.

(c) REPORTS.—

(1) ANNUAL REPORTS.—The director shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure on the status of, and plans for, the National Alert System. In the first annual report, the director shall report on—

(A) the progress made toward operational activation of the alerting capabilities of the National Alert System; and

(B) the anticipated date on which the National Alert System will be available for utilization by Federal, State, and local officials.

(2) 5-YEAR PLAN.—Within 1 year after the date of enactment of this Act and every 5 years thereafter, the director shall publish a 5-year plan that outlines future capabilities and communications platforms for the National Alert System. The plan shall serve as the long-term planning document for the Office.

(d) GAO AUDITS.—

(1) IN GENERAL.—The Comptroller General shall audit the National Alert Office every 3 years after the date of enactment of this Act and periodically thereafter and transmit the findings thereof to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure.

(2) RESPONSE REPORT.—If, as a result of the audit, the Comptroller General expresses concern about any matter addressed by the audit, the director of the National Alert Office shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure describing what action, if any, the director is taking to respond to any such concern.

SEC. —106. NATIONAL ALERT SYSTEM WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the director of the National Alert Office shall establish a working group, to be known as the National Alert System Working Group.

(b) MEMBERSHIP.—

(1) APPOINTMENT; CHAIR.—The director shall appoint the members of the Working Group as soon as practicable after the date of enactment of this Act and shall serve as its chair. In appointing members of the Working Group, the director shall ensure that the number of members appointed under paragraph (5) provides appropriate and adequate representation for all stakeholders and interested and affected parties.

(2) FEDERAL AGENCY REPRESENTATIVES.—Appropriate personnel from the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, the Federal Communications Commission, the Federal Emergency Management Agency, the Nuclear Regulatory Commission, the Department of Justice, the National Communications System, the Department of Homeland Security's Preparedness Directorate, the United States Postal Service, and other appropriate Federal agencies shall serve as members of the Working Group.

(3) STATE AND LOCAL GOVERNMENT REPRESENTATIVES.—The director shall appoint representatives of State and local governments and representatives of emergency services personnel, selected from among individuals nominated by national organizations representing such governments and personnel, to serve as members of the Working Group.

(4) TRIBAL GOVERNMENTS.—The director shall appoint representatives from Federally recognized Indian tribes and National Indian organizations.

(5) SUBJECT MATTER EXPERTS..—The director shall appoint individuals who have the requisite technical knowledge and expertise to serve on the Working Group in the fulfillment of its duties, including representatives of—

(A) communications service providers;

(B) vendors, developers, and manufacturers of systems, facilities; equipment, and capabilities for the provision of communications services;

(C) third-party service bureaus;

(D) technical experts from the broadcasting industry;

(E) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(F) national organizations representing individuals with special needs; and

(G) other individuals with technical expertise that would enhance the National Alert System.

(c) DUTIES OF THE WORKING GROUP.—

(1) DEVELOPMENT OF SYSTEM-CRITICAL RECOMMENDATIONS.—Within 1 year after the date of enactment of this Act, the Working Group shall develop and transmit to the National Alert Office recommendations for—

(A) protocols, including formats, source or originator identification, threat severity, hazard description, and response requirements or recommendations, for alerts to be

transmitted via the National Alert System that ensures that alerts are capable of being utilized across the broadest variety of communication technologies, at National, State, and local levels;

(B) procedures for verifying, initiating, modifying, and canceling alerts transmitted via the National Alert System;

(C) guidelines for the technical capabilities of the National Alert System;

(D) guidelines for technical capability that provides for the priority transmission of National Alert System alerts;

(E) guidelines for other capabilities of the National Alert System as specified in this title;

(F) standards for equipment and technologies used by the National Alert System;

(G) guidelines for the transmission of National System Alerts in languages in addition to English, to the extent practicable; and

(H) guidelines for incorporating the National Alert System into comprehensive emergency planning standards for public alert and notification and emergency public communications.

(2) INTEGRATION OF EMERGENCY AND NATIONAL ALERT SYSTEMS.—The Working Group shall work with the operators of nuclear power plants and other critical infrastructure facilities to integrate emergency alert systems for those facilities with the National Alert System.

(d) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Working Group shall take place not later than 60 days after the date of the enactment of this Act.

(2) OTHER MEETINGS.—After the initial meeting, the Working Group shall meet at the call of the chair.

(3) NOTICE; OPEN MEETINGS.—Any meetings held by the Working Group shall be duly noticed at least 14 days in advance and shall be open to the public.

(e) RESOURCES.—

(1) FEDERAL AGENCIES.—The Working Group shall have reasonable access to—

(A) materials, resources, data, and other information from the National Institute of Standards and Technology, the Department of Commerce and its agencies, the Department of Homeland Security and its bureaus, and the Federal Communications Commission; and

(B) the facilities of any such agency for purposes of conducting meetings.

(2) GIFTS AND GRANTS.—The Working Group may accept, use, and dispose of gifts or grants of services or property, both real and personal, for purposes of aiding or facilitating the work of the Working Group. Gifts or grants not used at the expiration of the Working Group shall be returned to the donor or grantor.

(f) RULES.—

(1) QUORUM.—One-third of the members of the Working Group shall constitute a quorum for conducting business of the Working Group.

(2) SUBCOMMITTEES.—To assist the Working Group in carrying out its functions, the chair may establish appropriate subcommittees composed of members of the Working Group and other subject matter experts as deemed necessary.

(3) ADDITIONAL RULES.—The Working Group may adopt other rules as needed.

(g) FEDERAL ADVISORY COMMITTEE ACT.—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Working Group.

SEC. —107. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Undersecretary of Homeland Security for Science and Technology and the director jointly shall establish an extramural research and development program based on the recommendations of the Working Group to support the development of technology that will enable all existing and future providers of communications services and all existing and future communications devices to be utilized effectively with the National Alert System.

(b) FUNCTIONS.—In carrying out subsection (a) the Undersecretary for Science and Technology and the director shall—

(1) fund research and development which may include academia, the private sector, and government laboratories; and

(2) ensure that the program addresses, at a minimum—

(A) developing innovative technologies that will transmit geographically targeted emergency messages to the public;

(B) enhancing participation in the national alert system;

(C) understanding and improving public response to warnings; and

(D) enhancing the ability of local communities to integrate the National Alert System into their overall operations management.

(c) USE OF EXISTING PROGRAMS AND RESOURCES.—In developing the program, the Undersecretary for Science and Technology shall utilize existing expertise of the Department of Commerce, including the National Institute of Standards and Technology.

SEC. —108. GRANT PROGRAM FOR REMOTE COMMUNITY ALERT SYSTEMS.

(a) GRANT PROGRAM.—The Undersecretary of Commerce for Oceans and Atmosphere shall establish a program under which grants may be made to provide for the installation of technologies in remote communities effectively unserved by commercial mobile radio service (as determined by the Federal Communications Commission within 180 days after the date of enactment of this Act) for the purpose of enabling residents of those communities to receive National Alert System alerts.

(b) APPLICATIONS AND CONDITIONS.—In conducting the program, the Undersecretary—

(1) shall establish a notification and application procedure; and

(2) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program.

(c) SUNSET.—The Undersecretary may not make grants under subsection (a) more than 5 years after the date of enactment of this Act.

SEC. —109. PUBLIC FAMILIARIZATION, OUTREACH, AND RESPONSE INSTRUCTIONS.

The director of the National Office, in consultation with the Working Group, shall conduct a program of public outreach to ensure that the public is aware of the National Alert System and understands its capabilities and uses for emergency preparedness and response. The program shall incorporate multiple communications technologies and methods, including inserts in packaging for wireless devices, Internet websites, and the use of broadcast radio and television Non-Commercial Sustaining Announcement Programs.

SEC. —110. ESSENTIAL SERVICES DISASTER ASSISTANCE.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

"SEC. 425. ESSENTIAL SERVICE PROVIDERS.

''(a) DEFINITION.—In this section, the term 'essential service provider' means an entity that—

''(1) provides—

''(A) telecommunications service;

''(B) electrical power;

''(C) natural gas;

''(D) water and sewer services; or

''(E) any other essential service, as determined by the President;

''(2) is—

''(A) a municipal entity;

''(B) a nonprofit entity; or

''(C) a private, for-profit entity; and

''(3) is contributing to efforts to respond to an emergency or major disaster.

''(b) AUTHORIZATION.—In an emergency or major disaster, the President may use Federal equipment, supplies, facilities, personnel, and other non-monetary resources to assist an essential service provider, in exchange for reasonable compensation.

''(c) COMPENSATION.—

''(1) IN GENERAL.—The President shall, by regulation, establish a mechanism to set reasonable compensation to the Federal Government for the provision of assistance under subsection (b).

''(2) CRITERIA.—The mechanism established under paragraph (1)—

''(A) shall reflect the cost to the government (or if this is not readily obtainable, the full market value under the applicable circumstances) for assistance provided under subsection (b) in setting compensation;

''(B) shall have, to the maximum degree feasible, streamlined procedures for determining compensation; and

''(C) may, at the President's discretion, be based on a good faith estimate of cost to the government rather than an actual accounting of costs.

''(3) PERIODIC REVIEW.—The President shall periodically review, and if necessary revise, the regulations established pursuant to paragraphs (1) and (2) to ensure that these regulations result in full compensation to the government for transferred resources. Such reviews shall occur no less frequently than once every 2 years, and the results of such reviews shall be reported to the House Transportation and Infrastructure Committee and the Senate Homeland Security and Governmental Affairs Committee.''.

SEC. —111. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''director'' means the director of the National Alert Office.

(2) OFFICE.—The term ''Office'' means the National Alert Office established by section —105.

(3) NATIONAL ALERT SYSTEM.—The term ''National Alert System'' means the National Alert System established by section —102.

(4) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.

(5) NON-COMMERCIAL SUSTAINING ANNOUNCEMENT PROGRAM.—The term ''Non-Commercial Sustaining Announcement Program'' means a radio and television campaign conducted for the benefit of a nonprofit organization or government agency using unsold commercial air time donated by participating broadcast stations for use in such campaigns, and for which the campaign's sponsoring organization or agency funds the cost of underwriting programs that serve the public convenience, interest, and necessity, as described in section 307 of the Communications Act of 1934 (47 U.S.C. 307).

(6) WORKING GROUP.—The term ''Working Group'' means the National Alert System Working Group on the established under section —106.

SEC. —112. EXISTING INTERAGENCY ACTIVITIES.

Nothing in this title shall be construed to require the termination of existing interagency programs or activities, or cooperative or consultative arrangements, related to

the provision of notice or information to the public about emergency situations that may require a public response.

SEC. —113. FUNDING.

Funding for this title shall be provided from the Digital Transition and Public Safety Fund in accordance with section 3010 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

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 14, 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: C. Stephen Allred, of Idaho, to be an Assistant Secretary of the Interior, vice Rebecca W. Watson, resigned; Robert W. Johnson, of Nevada, to be Commissioner of Reclamation, vice John W. Keys, III, resigned.

For further information, please contact Judy Pensabene of the Committee staff at (202) 224–1327.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 7, 2006, at 9:30 a.m. to hold a business meeting.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, September 7, 2006, to hold a hearing titled ''Wounded Warrior' Insurance: A First Look at a New Benefit for Traumatically Injured Servicemembers''.

The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 7, 2006, at 2:30 p.m. to hold a closed business meeting.

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

SPECIAL COMMITTEE ON AGING

Mr. STEVENS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, September 7, 2006 from 10 a.m. to 12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, September 7, 2006, at 9:30 a.m. for a hearing regarding ''IT Projects at Risk: Is it Too Late to Save $12 Billion?''

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

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on ''Keeping Terrorists Off the Plane'' on Thursday, September 7, 2006, at 2 p.m. in Dirksen 226.

Witness List

Paul Rosenzweig, Counselor to the Assistant Secretary for Policy, Planning and International Affairs, United States Department of Homeland Security, Washington, DC; Jayson P. Ahern, Assistant Commissioner, Office of Field Operations, United States Customs of Border Protection, Washington, DC; Jess Ford, Director of International Affairs and Trade, Government Accountability Office, Washington, DC; and Leon J. Laylagian, Executive Vice President, Passenger-Cargo Security Group, Concord, NH.

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

GENERAL SERVICES ADMINISTRATION MODERNIZATION ACT

On Wednesday, September 6, 2006, the Senate passed H.R. 2066, as follows:

H.R. 2066

Resolved, That the bill from the House of Representatives (H.R. 2066) entitled ''An Act to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.'', do pass with the following amendments:

(1) Page 2, line 25, strike out **[**up to five**]**

(2) Page 10, line 7, strike out **[**or**]** and all that follows through the end of line 9, and insert:

''(B) the exceptional difficulty in recruiting or retaining a qualified employee, or

''(C) a temporary emergency hiring need,

(3) Page 10, line 20, strike out **[**December 31, 2011.**]** and insert: *December 31, 2011.''*.

(4) Page 10, strike out line 21 and all that follows through page 13, line 8, and insert the following new section and renumber subsequent section:

SEC. 5. DISPOSAL OF FEDERAL SURPLUS PROPERTY TO HISTORIC LIGHT STATIONS.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (vii), by striking ''or'' after the semicolon;

(2) in clause (viii), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(ix) a historic light station as defined under section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w–7(e)(2)), including a historic light station conveyed under subsection (b) of that section, notwithstanding the number of hours that the historic light station is open to the public.''.

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

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

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 576, S. 2590.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2590) to require full disclosure of all entities and organizations receiving Federal funds.

There being no objection, the Senate proceeded to consider the bill which had been reported by the Homeland Security and Governmental Affairs Committee with an amendment to strike out all after the enacting clause and insert the part printed in italic.

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) IN GENERAL.—

[(1) WEBSITE.—Effective beginning January 1, 2007 and subject to paragraphs (2) and (3), the Office of Management and Budget shall ensure the existence and operation of a single updated searchable database website accessible by the public at no cost that includes for each entity receiving Federal funding—

[(A) the name of the entity;

[(B) the amount of any Federal funds that the entity has received in each of the last 10 fiscal years;

[(C) an itemized breakdown of each transaction, including funding agency, program source, and a description of the purpose of each funding action;

[(D) the location of the entity and primary location of performance, including the city, State, congressional district, and country;

[(E) a unique identifier for each such entity and parent entity, should the entity be owned by another entity; and

[(F) any other relevant information.

[(2) INITIAL DATA.—Effective January 1, 2007, the website shall include data for fiscal years 2006 and 2007.

[(3) PREVIOUS FISCAL YEARS.—Not later than January 1, 2009, information required by this section shall be posted on the website for fiscal years 1999 through 2005.

[(b) DEFINITIONS.—In this section:

[(1) ENTITY.—The term ''entity''—

[(A) includes—

[(i) a corporation;

[(ii) an association;

[(iii) a partnership;

[(iv) a limited liability company;

[(v) a limited liability partnership;

[(vi) any other legal business entity;

[(vii) grantees, contractors, and, on and after October 1, 2007, subgrantees and subcontractors; and

[(viii) any State or locality; and

[(B) does not include—

[(i) an individual recipient of Federal assistance;

[(ii) a Federal employee; or

[(iii) a grant or contract of a nature that could be reasonably expected to cause damage to national security.

[(2) FEDERAL FUNDING.—The term ''federal funding''—

[(A) means Federal financial assistance and expenditures that include grants, contracts, subgrants, subcontracts, loans, awards and other forms of financial assistance; and

[(B) does not include credit card transactions or minor purchases.

[(3) SEARCHABLE DATABASE WEBSITE.—The term ''searchable database website'' means a website that allows the public to—

[(A) search Federal funding by name of entity, parent entity, or type of industry, geography, including location of the entity and the primary location of the performance, amounts and types of federal funding, program sources, type of activity being performed, time factors such as fiscal years or multiple fiscal years, and other relevant information; and

[(B) download data included in subparagraph (A) including outcomes from searches.

[(c) WEBSITE.—The database website established by this section—

[(1) shall not be considered in compliance if it links to FPDS, Grants.gov or other existing websites and databases, unless each of those sites has information from all agencies and each category of information required to be itemized can be searched electronically by field in a single search;

[(2) shall provide an opportunity for the public to provide input about the utility of the site and recommendations for improvements; and

[(3) shall be updated not later than 30 days after the award of any assistance requiring a posting.

[(d) AGENCY RESPONSIBILITIES.—The Director of OMB shall provide guidance to agency heads to ensure compliance with this section.

[(e) REPORT.—The Director of OMB shall annually report to the Senate Committee on Homeland Security and Government Affairs and the House Committee on Government Reform on implementation of the website that shall include data about the usage and public feedback on the utility of the site, including recommendations for improvements. The annual report shall be made publicly available on the website.]

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.

Mr. FRIST. Mr. President, I am proud to be an original cosponsor of the Federal Funding Accountability and Transparency Act, S. 2590, that I have brought before the Senate this evening. This is a simple bill, yet a profound bill, designed to simply shine more sunlight, shine that light that we all know is so necessary, on Federal spending. I am absolutely convinced that this bill will go a long way in ultimately reflecting greater fiscal discipline and greater accountability.

This is a simple bill but profound, profound in the sense of what it requires. One way to think of the bill is that it will create, for the very first time in the Executive Office of the President, the Office of Management and Budget, the equivalent of a Google search engine for all Americans to see how their Federal tax dollars are being expended. That is the simplicity of it all.

I congratulate my colleagues, Senators COBURN and OBAMA—I just talked to Senator COBURN on the phone—who are the original sponsors of this very important, commonsense piece of legislation. I do congratulate the chairman and ranking member of the Homeland Security and Governmental Affairs Committee, Senators COLLINS and LIEBERMAN, for their expeditious consideration and reporting of this legislation.

Once this bill is enacted, taxpayers will have the ability to know exactly how their money is being spent and, with that greater transparency, will come greater accountability.

The bill expands upon E-Government management tools that were enacted in 2002 by making all Federal funding awards, grants, contracts and loans, easily searchable on a public Web site. Only transactions under $25,000 would be exempt from this reporting requirement, as well as awards that are classified for national security purposes.

This new tool will be a valuable asset in the continuing effort to spend the taxpayers' dollars wisely, without waste and without misuse.

Again, congratulations to Senators COBURN and OBAMA for their untiring work on this bill. It is my honor to join them as an original cosponsor of this simple, commonsense but important piece of legislation.

Mr. LAUTENBERG. Mr. President, I am proud to support S. 2590, the Federal Funding Accountability and Transparency Act. This important legislation requires the Office of Management and Budget to create an online searchable Web site to allow Americans to understand who is getting Federal money.

This legislation has broad support from across the political spectrum. Whether we believe we spend too much or we should be doing more to help people in need, we can all agree that we ought to get value from the dollars we spend. Transparency is the first step in that process.

I believe that S. 2590 is only the first step. I am excited that Senators COBURN and OBAMA have endorsed the concept of creating a similar database for targeted tax benefits that go to companies or industries who are adept enough at Washington politics to get them enacted.

Like the spending to be disclosed in S. 2590, many targeted tax breaks are good policy. But the American people deserve to know who is paying less in taxes and causing them to pay more. They have a right to know who is getting benefits from Congress.

I look forward to working with my colleagues to have a bill, hold hearings, bring the bill to the floor, and make information on tax benefits public and easily accessible.

Mr. COBURN. Mr. President, Senators BARACK OBAMA, TOM CARPER, JOHN MCCAIN, and I earlier this year introduced S. 2590, the Federal Funding Accountability and Transparency Act of 2006, to bring increased transparency to the way the Federal Government spends taxpayer money. Transparency means allowing citizens to access accurate information on Federal spending decisions in a timely fashion for the purpose of keeping their elected officials accountable. Outside of protecting national security and individual privacy, there is no reason why the operations of all Federal agencies should not be widely known by as many as would like to know. It is because this belief is widely shared by the American people as well as many in this body that S. 2590 has gained the cosponsorship of dozens of Senators.

I believe, though, that transparency in Government decisionmaking should not be limited simply to spending, but should also be extended to the decisions Congress makes about the Tax Code. The Tax Code is currently tens of thousands of pages in length and far too confusing for even IRS customer service agents to understand, let alone the average citizen with far less expertise. Because I believe that transparency is one of the best tools we have to curb wasteful behavior, I look forward working with Senator FRANK LAUTENBERG to develop bipartisan legislation like S. 2590 that will bring increased transparency to the Tax Code by allowing the American public to understand the real world effects of the Tax Code. Tax Code matters are extremely complex and the American public has a right to know how the Tax Code affects them. American taxpayers also deserve to know if they are paying higher taxes in order to offset the loss of revenue due to special treatment for special interest groups. This is a complex issue that will require careful study. It is my intention to address this issue in a future hearing of the Subcommittee on Federal Financial Management, Government Information, and International Security. I believe that a hearing addressing this issue will help us all to better understand the ultimate effects of targeted tax expenditures. Further study will also help to inform us on how to fully address the issue of greater transparency.

I thank Senator LAUTENBERG for his attention to this issue and I look forward to working with him and Senator OBAMA to promote increased Government transparency. As Thomas Jefferson wrote back in 1802, ''We might hope to see the finances of the Union as clear and intelligible as a merchant's books, so that every member of Congress and every man of any mind in the Union should be able to comprehend them, to investigate abuses, and consequently to control them.''

Mr. OBAMA. Mr. President, I thank my distinguished colleagues from New Jersey and Oklahoma. It has been a pleasure to work with them on important legislation to improve Federal financial transparency and accountability. The American people have a right to know how Federal resources are being used. Congress and the President should make it as easy as possible for taxpayers to see how well we are doing our jobs as stewards of Federal revenues and administrators of Federal spending. All of us should have adequate tools to monitor and evaluate how departments and agencies are performing their important functions. The Web site our legislation calls for will be an important tool in reducing wasteful earmarks and unjustified pork barrel spending. Transparency of spending is an important step in improving accountability and performance.

I agree with Senators LAUTENBERG and COBURN that we also need transparency in Federal tax policy. The same way taxpayers should be able to see which companies and organizations receive Federal grants or contracts or other forms of financial assistance, Americans should be able to see which companies and organizations are receiving narrowly targeted tax credits and deductions. A tax break for one taxpayer often means higher taxes for everybody else. It is our duty to make sure that tax breaks that only benefit a few taxpayers at the expense of everybody else are legitimate and appropriate. I have no doubt that greater transparency of targeted tax benefits can help us simplify and improve the fairness of the Federal Tax Code.

I look forward to the opportunity to develop bipartisan legislation to address this issue, and I thank my colleagues for their wonderful leadership.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2590), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT AND RESEARCH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 560 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 560) supporting efforts to increase childhood cancer awareness, treatment and research.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 560) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 560

Whereas an estimated 12,400 children will be diagnosed with cancer in the year 2005;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children will die from cancer in the year 2005;

Whereas the incidence of cancer among children in the United States is rising by about one percent each year;

Whereas 1 in every 330 Americans develops cancer before age 20;

Whereas approximately 8 percent of deaths of those between 1 and 19 years of age are caused by cancer;

Whereas while some progress has been made, a number of funding opportunities for childhood cancer research still remain;

Whereas increasing the focus on childhood cancer research requires the recruitment of additional investigators and physicians to pediatric oncology;

Whereas peer-reviewed clinical trials are the standard of care for pediatrics and have improved cancer survival rates among children;

Whereas the number of survivors of childhood cancer continues to grow, with about 1 in 640 adults between the ages of 20 and 39 having a history of cancer;

Whereas up to ⅔ of childhood cancer survivors are likely to experience at least one late effect from treatment, many of which may be life-threatening;

Whereas some late effects of cancer treatment are identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and may have serious consequences; and

Whereas 89 percent of children with cancer experience substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should support—

(1) public and private sector efforts to promote awareness about the incidence of cancer among children, the signs and symptoms of cancer in children, treatment options, and long-term follow-up;

(2) public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;

(3) medical trainees and investigators in the field of pediatric oncology;

(4) policies that provide incentives to encourage the development of drugs and biologics designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials;

(6) medical education curricula designed to improve pain management for cancer patients; and

(7) policies that enhance education, services, and other resources related to late effects from treatment.

RURAL AMERICA MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 561 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 561) to designate the month of September 2006 as ''Rural America Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 561) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 561

Whereas more than 55 million people live in rural areas of the country;

Whereas rural areas make up eighty percent of the United States landscape;

Whereas our rural communities are diverse, dynamic engines for growth in America;

Whereas the contribution of rural Americans to the national economy is invaluable;

Whereas rural America's natural renewable resources can help our nation break its dangerous reliance on foreign oil;

Whereas rural America's farmers and ranchers feed families across the country and around the globe while being stewards of our land and natural resources;

Whereas rural Americans look to their local police officers, firefighters, EMTs and National Guard to keep them safe in times of national emergencies;

Whereas the highest concentrations of veterans are found in rural counties;

Whereas rural Americans deserve access to affordable health care;

Whereas rural Americans deserve the finest education we can offer;

Whereas rural America is a key part of our growing information highway;

Whereas Americans in rural areas reflect values that make America great—community, service, hard work, family, and responsibility—their contributions should be recognized and commended: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September 2006, as 'Rural America Month' and

(2) encourages the people of the United States to observe 'Rural America Month' with appropriate ceremonies and activities during the month of September.

HONORING THE LIVES AND MEMORY OF THE VICTIMS OF THE CRASH OF COMAIR FLIGHT 5191

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 558 and that the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

A resolution (S. Res. 558) honoring the lives and memory of the victims of the crash of Comair Flight 5191, and extending the most sincere condolences of the citizens of the United States to the families and friends of those individuals.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 558) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 558

Whereas, on August 27, 2006, the Commonwealth of Kentucky suffered a tragic loss when Comair Flight 5191 crashed shortly after takeoff at Blue Grass Airport in Lexington, Kentucky;

Whereas 49 individuals perished in that tragic accident;

Whereas that event brought grief not only into the communities of Kentucky, such as Lexington, Georgetown, Somerset, London, Harrodsburg, and Richmond, but also to homes throughout the United States, Canada, and Japan; and

Whereas local volunteers and government officials responded quickly to rescue a survivor, James Polehinke, investigate the accident, and provide relief and recovery to the families and friends of the victims: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the victims of the crash of Comair Flight 5191, including—

Rebecca Adams;

Christina Anderson;

Lyle Anderson;

Arnold Andrews;
Anne Marie Bailey;
Bobbie Benton;
Jesse Clark Benton;
Carole Bizzack;
George Brunacini;
Brian Byrd;
Jeffrey Clay;
Diane Combs;
Homer Combs;
Fenton Dawson;
Thomas Fahey;
Mike Finley;
Clarence Wayne (''C.W.'') Fortney II;
Wade Bartley (''Bart'') Frederick;
Hollie Gilbert;
Erik Harris;
Kelly Heyer;
Jonathan Walton Hooker;
Scarlett Parsley Hooker;
Priscilla Johnson;
Nahoko Kono;
Tetsuya Kono;
Charles Lykins;
Dan Mallory;
Steve McElravy;
Lynda McKee;
Bobby Meaux;
Kaye Craig Morris;
Leslie Morris II;
Cecile Moscoe;
Judy Ann Rains;
Michael N. Ryan;
Mary Jane Silas;
Pat Smith;
Timothy K. Snoddy;
Marcie Thomason;
Greg Threet;
Randy Towles;
Larry Turner;
Victoria Washington;
Jeff Williams;
Paige Winters;
Bryan Woodward;
JoAnn Wright; and
Betty Young;

(2) conveys the most sincere condolences of the citizens of the United States to the families, friends, and communities of the victims;

(3) recognizes the rescue and safety workers, medical personnel, and Federal, State, and local officials who—

(A) responded to the tragedy; and

(B) are working—

(i) to uncover the causes of that tragedy; and

(ii) to prevent future accidents; and

(4) commends the volunteers, counselors, and clergy who provided support to families during the difficult days that followed August 27, 2006.

UNITED STATES-POLAND PARLIAMENTARY YOUTH EXCHANGE PROGRAM ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 455, S. 2200.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2200) to establish a United States-Poland Parliamentary Youth Exchange Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 2200

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 ''United States-Poland Parliamentary Youth Exchange Program Act of 2006''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States established diplomatic relations with the newly-formed Polish Republic in April 1919.

(2) The United States and Poland have enjoyed close bilateral relations since 1989.

(3) Poland became a member of the North Atlantic Treaty Organization (NATO) in March 1999.

(4) Poland became a member of the European Union (EU) in May 2004.

(5) Poland has been a strong supporter, both diplomatically and militarily, of efforts led by the United States to combat global terrorism and has contributed troops to the United States-led coalitions in both Afghanistan and Iraq.

(6) Poland cooperates closely with the United States on such issues as democratization, nuclear proliferation, human rights, regional cooperation in Eastern Europe, and reform of the United Nations.

(7) The United States and Poland seek to ensure enduring ties between both governments and societies.

(8) It is important to invest in the youth of the United States and Poland in order to help ensure long-lasting ties between both societies.

(9) It is in the interest of the United States to preserve a United States presence in Europe and to continue to contribute to the development of transatlantic relationships.

(10) Poland for many years received international and United States financial assistance and is now determined to invest its own resources toward attaining its shared desire with the United States to develop international cooperation.

SEC. 3. UNITED STATES-POLAND PARLIAMENTARY YOUTH EXCHANGE PROGRAM.

(a) AUTHORITY.—The **[**President, acting through the Secretary of State and**]** *Secretary of State,* in cooperation with the Government of Poland, may establish and carry out a parliamentary exchange program for youth of the United States and Poland.

(b) DESIGNATION.—The youth exchange program carried out under this subsection shall be known as the ''United States-Poland Parliamentary Youth Exchange Program''.

(c) PURPOSE.—The purpose of the youth exchange program is to demonstrate to the youth of the United States and Poland the benefits of friendly cooperation between the United States and Poland based on common political and cultural values.

(d) ELIGIBLE PARTICIPANTS.—An individual is eligible for participation in the youth exchange program if the individual—

(1) is a citizen or national of the United States or of Poland;

(2) is under the age of 19 years;

(3) is a student who is enrolled and in good standing at a secondary school in the United States or Poland;

(4) has been accepted for up to one academic year of study in a program of study abroad approved for credit at such school; and

(5) meets any other qualifications that the **[**President**]** *Secretary of State* may establish for purposes of the program.

(e) PROGRAM ELEMENTS.—Under the youth exchange program, eligible participants selected for participation in the program shall—

(1) live in and attend a public secondary school in the host country for a period of one academic year;

(2) while attending public school in the host country, undertake academic studies in the host country, with particular emphasis on the history, constitution, and political development of the host country;

(3) be eligible, either during or after the completion of such academic studies, for an internship in an appropriate position in the host country; and

(4) engage in such other activities as the President considers appropriate to achieve the purpose of the program.

[(f) RELATIONSHIP TO OTHER AUTHORITIES.—The President may utilize the authorities and procedures set out in title VIII of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471 et seq.) to establish and carry out the youth exchange program.**]**

SEC. 4. ANNUAL REPORT TO CONGRESS.

The Secretary of State shall submit to **[**Congress**]** *the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives* an annual report on the United States-Poland Parliamentary Youth Exchange Program established under this Act. Each annual report shall include—

(1) information on the implementation of the Program during the preceding year:

(2) the number of participants in the Program during such year;

(3) the names and locations of the secondary schools in the United States and Poland attended by such participants;

(4) a description of the areas of study of such participants during their participation in the Program;

(5) a description of any internships taken by such participants during their participation in the Program; and

(6) a description of any other activities such participants carried out during their participation in the Program.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the Department of State for fiscal year 2007 such sums as may be necessary to carry out the youth exchange program authorized by this Act.

(b) AVAILABILITY.—Amounts authorized to be appropriated by subsection (a) shall remain available until expended.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendments 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 related to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 2200), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2200

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 ''United States-Poland Parliamentary Youth Exchange Program Act of 2006''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States established diplomatic relations with the newly-formed Polish Republic in April 1919.

(2) The United States and Poland have enjoyed close bilateral relations since 1989.

(3) Poland became a member of the North Atlantic Treaty Organization (NATO) in March 1999.

(4) Poland became a member of the European Union (EU) in May 2004.

(5) Poland has been a strong supporter, both diplomatically and militarily, of efforts led by the United States to combat global terrorism and has contributed troops to the United States-led coalitions in both Afghanistan and Iraq.

(6) Poland cooperates closely with the United States on such issues as democratization, nuclear proliferation, human rights, regional cooperation in Eastern Europe, and reform of the United Nations.

(7) The United States and Poland seek to ensure enduring ties between both governments and societies.

(8) It is important to invest in the youth of the United States and Poland in order to help ensure long-lasting ties between both societies.

(9) It is in the interest of the United States to preserve a United States presence in Europe and to continue to contribute to the development of transatlantic relationships.

(10) Poland for many years received international and United States financial assistance and is now determined to invest its own resources toward attaining its shared desire with the United States to develop international cooperation.

SEC. 3. UNITED STATES-POLAND PARLIAMENTARY YOUTH EXCHANGE PROGRAM.

(a) AUTHORITY.—The Secretary of State, in cooperation with the Government of Poland, may establish and carry out a parliamentary exchange program for youth of the United States and Poland.

(b) DESIGNATION.—The youth exchange program carried out under this subsection shall be known as the ''United States-Poland Parliamentary Youth Exchange Program''.

(c) PURPOSE.—The purpose of the youth exchange program is to demonstrate to the youth of the United States and Poland the benefits of friendly cooperation between the United States and Poland based on common political and cultural values.

(d) ELIGIBLE PARTICIPANTS.—An individual is eligible for participation in the youth exchange program if the individual—

(1) is a citizen or national of the United States or of Poland;

(2) is under the age of 19 years;

(3) is a student who is enrolled and in good standing at a secondary school in the United States or Poland;

(4) has been accepted for up to one academic year of study in a program of study abroad approved for credit at such school; and

(5) meets any other qualifications that the Secretary of State may establish for purposes of the program.

(e) PROGRAM ELEMENTS.—Under the youth exchange program, eligible participants selected for participation in the program shall—

(1) live in and attend a public secondary school in the host country for a period of one academic year;

(2) while attending public school in the host country, undertake academic studies in the host country, with particular emphasis on the history, constitution, and political development of the host country;

(3) be eligible, either during or after the completion of such academic studies, for an internship in an appropriate position in the host country; and

(4) engage in such other activities as the President considers appropriate to achieve the purpose of the program.

SEC. 4. ANNUAL REPORT TO CONGRESS.

The Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives an annual report on the United States-Poland Parliamentary Youth Exchange Program established under this Act. Each annual report shall include—

(1) information on the implementation of the Program during the preceding year:

(2) the number of participants in the Program during such year;

(3) the names and locations of the secondary schools in the United States and Poland attended by such participants;

(4) a description of the areas of study of such participants during their participation in the Program;

(5) a description of any internships taken by such participants during their participation in the Program; and

(6) a description of any other activities such participants carried out during their participation in the Program.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the Department of State for fiscal year 2007 such sums as may be necessary to carry out the youth exchange program authorized by this Act.

(b) AVAILABILITY.—Amounts authorized to be appropriated by subsection (a) shall remain available until expended.

UNITED STATES AMBASSADOR FOR ASEAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. 2697.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2697) to establish the position of the United States Ambassador for ASEAN.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with amendments, as follows:

(The parts of the bill intended to be inserted are shown in italic.)

S. 2697

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 ''United States Ambassador for ASEAN *Affairs* Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Association of Southeast Asian Nations (referred to in this Act as ''ASEAN'') was established in 1967, with an initial membership of Indonesia, Malaysia, the Philippines, Singapore, and Thailand.

(2) ASEAN is committed to accelerating economic growth, social progress, cultural development and regional peace and stability.

(3) The membership of ASEAN has expanded to 10 countries since its establishment in 1967.

(4) The United States seeks to maintain and further develop a constructive and cordial relationship with ASEAN.

(5) The countries comprising ASEAN—

(A) constitute the 3rd largest export market for United States products;

(B) have received nearly $90,000,000,000 in direct investment from United States sources; and

(C) are developing an integrated free trade area.

(6) Trade between the United States and the countries comprising ASEAN totals approximately $130,000,000,000.

(7) ASEAN continues to contribute to regional stability in East Asia and has partnered with the United States to combat global terror.

(8) In 2006, approximately 38,000 students from the countries comprising ASEAN were studying in the United States.

(9) The countries comprising ASEAN share a common concern with the United States regarding—

(A) the spread of avian influenza and other diseases; and

(B) environmental issues, such as the preservation of biodiversity and the prevention of illegal logging.

(10) It is in the long-term interest of the United States to maintain and expand a relationship with ASEAN.

(11) The United States does not have an Ambassador to ASEAN, which limits the ability of the United States and ASEAN to respond quickly and appropriately to events of mutual interest.

SEC. 3. UNITED STATES AMBASSADOR FOR ASEAN.

(a) APPOINTMENT.—There is established in the Department of State the position of United States Ambassador for ASEAN *Affairs*, who shall be appointed by the President, subject to the advice and consent of the Senate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a Deputy Assistant Secretary of State for East Asia and the Pacific should be designated as the Ambassador for ASEAN *Affairs*.

Amend the title so as to read: ''To establish the position of the United States Ambassador for ASEAN Affairs.''.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 2697), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

S. 2697

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 ''United States Ambassador for ASEAN Affairs Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Association of Southeast Asian Nations (referred to in this Act as ''ASEAN'') was established in 1967, with an initial membership of Indonesia, Malaysia, the Philippines, Singapore, and Thailand.

(2) ASEAN is committed to accelerating economic growth, social progress, cultural development and regional peace and stability.

(3) The membership of ASEAN has expanded to 10 countries since its establishment in 1967.

(4) The United States seeks to maintain and further develop a constructive and cordial relationship with ASEAN.

(5) The countries comprising ASEAN—

(A) constitute the 3rd largest export market for United States products;

(B) have received nearly $90,000,000,000 in direct investment from United States sources; and

(C) are developing an integrated free trade area.

(6) Trade between the United States and the countries comprising ASEAN totals approximately $130,000,000,000.

(7) ASEAN continues to contribute to regional stability in East Asia and has partnered with the United States to combat global terror.

(8) In 2006, approximately 38,000 students from the countries comprising ASEAN were studying in the United States.

(9) The countries comprising ASEAN share a common concern with the United States regarding—

(A) the spread of avian influenza and other diseases; and

(B) environmental issues, such as the preservation of biodiversity and the prevention of illegal logging.

(10) It is in the long-term interest of the United States to maintain and expand a relationship with ASEAN.

(11) The United States does not have an Ambassador to ASEAN, which limits the ability of the United States and ASEAN to respond quickly and appropriately to events of mutual interest.

SEC. 3. UNITED STATES AMBASSADOR FOR ASEAN.

(a) APPOINTMENT.—There is established in the Department of State the position of United States Ambassador for ASEAN Affairs, who shall be appointed by the President, subject to the advice and consent of the Senate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a Deputy Assistant Secretary of State for East Asia and the Pacific should be designated as the Ambassador for ASEAN Affairs.

NAVAL VESSELS TRANSFER ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 564, S. 3722.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3722) to authorize the transfer of naval vessels to certain foreign recipients.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (S. 3722) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3722

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 ''Naval Vessels Transfer Act of 2006''.

SEC. 2. TRANSFERS BY GRANT.

The President is authorized to transfer vessels to foreign recipients on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) LITHUANIA.—To the Government of Lithuania, the OSPREY class minehunter coastal ships KINGFISHER (MHC–56) and CORMORANT (MHC–57).

(2) PORTUGAL.—To the Government of Portugal, the OLIVER HAZARD PERRY class guided missile frigates GEORGE PHILIP (FFG–12) and SIDES (FFG–14).

(3) TURKEY.—To the Government of Turkey, the OSPREY class minehunter coastal ship BLACK HAWK (MHC–58).

SEC. 3. TRANSFERS BY SALE.

The President is authorized to transfer vessels to foreign recipients on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), as follows:

(1) TAIWAN.—To the authorities in Taiwan, the OSPREY class minehunter coastal ships ORIOLE (MHC–55) and FALCON (MHC–59).

(2) TURKEY.—To the Government of Turkey, the OSPREY class minehunter coastal ship SHRIKE (MHC–62).

(3) MEXICO.—To the Government of Mexico, the AUSTIN class amphibious transport dock ships OGDEN (LPD–5) and CLEVELAND (LPD–7).

SEC. 4. GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.

The value of a vessel transferred to another country on a grant basis pursuant to authority provided by section 2 shall not be counted against the aggregate value of excess defense articles transferred to countries in any fiscal year under section 516 of the Foreign Assistance Act of 1961.

SEC. 5. COSTS OF CERTAIN TRANSFERS.

Notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)), any expense incurred by the United States in connection with a transfer authorized under section 2 shall be charged to the recipient.

SEC. 6. REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.

To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed before the vessel joins the naval forces of that country performed at a shipyard located in the United States, including a United States Navy shipyard.

SEC. 7. APPROVAL OF TRANSFER OF NAVAL VESSELS TO FOREIGN NATIONS BY VESSEL CLASS.

Section 7307(a) of title 10, United States Code, is amended by inserting ''or vessels of that class'' after ''that vessel''.

SEC. 8. EXPIRATION OF AUTHORITY.

The authority to transfer a vessel under this Act shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

STOLEN VALOR ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1998 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will please report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1998) to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The bill (S. 1998) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1998

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 ''Stolen Valor Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Fraudulent claims surrounding the receipt of the Medal of Honor, the distinguished-service cross, the Navy cross, the Air Force cross, the Purple Heart, and other decorations and medals awarded by the President or the Armed Forces of the United States damage the reputation and meaning of such decorations and medals.

(2) Federal law enforcement officers have limited ability to prosecute fraudulent claims of receipt of military decorations and medals.

(3) Legislative action is necessary to permit law enforcement officers to protect the reputation and meaning of military decorations and medals.

SEC. 3. ENHANCED PROTECTION OF MEANING OF MILITARY DECORATIONS AND MEDALS.

(a) EXPANSION OF GENERAL CRIMINAL OFFENSE.—Subsection (a) of section 704 of title 18, United States Code, is amended by striking ''manufactures, or sells'' and inserting ''purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value''.

(b) ESTABLISHMENT OF CRIMINAL OFFENSE RELATING TO FALSE CLAIMS ABOUT RECEIPT OF DECORATIONS AND MEDALS.—Such section 704 is further amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following:

''(b) FALSE CLAIMS ABOUT RECEIPT OF MILITARY DECORATIONS OR MEDALS.—Whoever falsely represents himself or herself, verbally or in writing, to have been awarded any decoration or medal authorized by Congress for the Armed Forces of the United States, any of the service medals or badges awarded to the members of such forces, the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation of such item shall be fined under this title, imprisoned not more than six months, or both.''; and

(3) in paragraph (1) of subsection (c), as redesignated by paragraph (1) of this subsection, by inserting ''or (b)'' after ''subsection (a)''.

(c) ENHANCED PENALTY FOR OFFENSES INVOLVING CERTAIN OTHER MEDALS.—Such section 704 is further amended by adding at the end the following:

''(d) ENHANCED PENALTY FOR OFFENSES INVOLVING CERTAIN OTHER MEDALS.—If a decoration or medal involved in an offense described in subsection (a) or (b) is a distinguished-service cross awarded under section 3742 of title 10, a Navy cross awarded under section 6242 of title 10, an Air Force cross awarded under section 8742 of section 10, a silver star awarded under section 3746, 6244, or 8746 of title 10, a Purple Heart awarded under section 1129 of title 10, or any replacement or duplicate medal for such medal as authorized by law, in lieu of the punishment provided in the applicable subsection, the offender shall be fined under this title, imprisoned not more than 1 year, or both.''.

(d) CONFORMING AMENDMENTS.—Subsection (c) of such section 704, as so redesignated, is further amended—

(1) by inserting ''ENHANCED PENALTY FOR OFFENSES INVOLVING'' before ''CONGRESSIONAL MEDAL OF HONOR''; and

(2) by striking paragraph (2) and inserting the following:

''(2) CONGRESSIONAL MEDAL OF HONOR DEFINED.—In this subsection, the term 'Congressional Medal of Honor' means—

''(A) a medal of honor awarded under section 3741, 6241, or 8741 of title 10 or section 491 of title 14;

''(B) a duplicate medal of honor issued under section 3754, 6256, or 8754 of title 10 or section 504 of title 14; or

''(C) a replacement of a medal of honor provided under section 3747, 6253, or 8747 of title 10 or section 501 of title 14.''.

MEASURES READ THE FIRST TIME—S. 3873, S. 3874, S. 3875, S. 3876, S. 3877

Mr. FRIST. Mr. President, I understand there are five bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will please report the titles of the bills en bloc.

The legislative clerk read as follows:

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

A bill (S. 3874) 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.

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

A bill (S. 3876) entitled the ''National Security Surveillance Act.''

A bill (S. 3877) entitled the ''Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006.''

Mr. FRIST. Mr. President, I now ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDERS FOR FRIDAY, SEPTEMBER 8, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, September 8. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of H.R. 4954, the port security bill.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will continue to work on the port security bill, which we began tonight. As I announced earlier in the evening, there will not be any rollcall votes tomorrow or on Monday. That being said, the managers will be here and we do hope to move forward with this bill and have amendments offered. Opening statements on the port security bill have begun tonight and will continue in the morning and over the course of the morning and maybe afternoon. I do encourage Senators with amendments to this bill to begin working with the managers in order to get these amendments in the queue.

Today, a very important bill was passed 98 to 0, the Department of Defense appropriations bill. As we have done on the floor previously, I thank the chairman and ranking member, Senator STEVENS and Senator INOUYE, for their perseverance in passing this critical spending bill, a bill we completed today but we began prior to the August recess.

We, earlier today, recognized Senator DOMENICI for passing a very significant milestone with 13,000 votes. As we reviewed the records, there have been only seven other Senators who have met that milestone. He is No. 8. As we said, there are four other Senators currently serving who have met that milestone, so we have a lot of competition here in the U.S. Senate.

As I said earlier, and as was spoken in the tributes to him, he has been a steadfast leader, a bold leader here in the U.S. Senate, somebody who—I did not say earlier today—has offered me counsel from day one over the last 12 years since I have been in the U.S. Senate, counsel that I respect. And I have tremendous admiration for him.

Several of my colleagues did mention Nancy, his wife. She has been right at his side throughout each of his endeavors and, as he has told me so many times, does provide the anchor for everything he accomplishes. They are a great couple, a great pair, and are great friends to Karyn and myself.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:59 p.m., adjourned until Friday, September 8, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, September 7, 2006:

DEPARTMENT OF TRANSPORTATION

MARY E. PETERS, OF ARIZONA, TO BE SECRETARY OF TRANSPORTATION, VICE NORMAN Y. MINETA, RESIGNED.

UNITED STATES INTERNATIONAL TRADE COMMISSION

DEAN A. PINKERT, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 2015, VICE JENNIFER ANNE HILLMAN, TERM EXPIRING.

IRVING A. WILLIAMSON, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2014, VICE STEPHEN KOPLAN, TERM EXPIRED.

DEPARTMENT OF STATE

DONALD Y. YAMAMOTO, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

MICHAEL F. DUFFY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2012 (REAPPOINTMENT), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF EDUCATION

LAUREN M. MADDOX, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR COMMUNICATIONS AND OUTREACH, DEPARTMENT OF EDUCATION, VICE KEVIN F. SULLIVAN, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DANIEL MERON, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE ALEX AZAR, II, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF LABOR

PAUL DECAMP, OF VIRGINIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE TAMMY DEE MCCUTCHEN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

SMALL BUSINESS ADMINISTRATION

JOVITA CARRANZA, OF ILLINOIS, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE MELANIE SABELHAUS, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

CAPT. THOMAS F. ATKIN, 0000
CAPT. CHRISTOPHER C. COLVIN, 0000
CAPT. CYNTHIA A. COOGAN, 0000
CAPT. DAVID T. GLENN, 0000
CAPT. MARY E. LANDRY, 0000
CAPT. RONALD J. RABAGO, 0000
CAPT. PAUL F. ZUKUNFT, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

TINA J. URBAN, 0000

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

MAJ. GEN. LOYD S. UTTERBACK, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. ROBERT WILSON, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. STEPHEN J. HINES, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS 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

MAJ. GEN. RONALD S. COLEMAN, 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. MARK P. FITZGERALD, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JAMES J. GALLAGHER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

NORMAN S. WEST, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID P. COLLETTE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

PAUL M. ROBERTS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LISA D. MIHORA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DAVID E. EDWARDS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL D. BACKMAN, 0000
STAN G. COLE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KEVIN BRACKIN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

AMY K. BACHELOR, 0000
DEBRA L. DOTY, 0000
DOROTHY A. HOGG, 0000
ROBERT G. HONTZ, 0000
DOUGLAS C. HOWARD, JR., 0000
DAWN G. JACKSON, 0000
LORI A. MACIAS, 0000
ROBERT J. MARKS, 0000
AMY K. MCDANIELS, 0000
MARGARET M. MCNEILL, 0000
NIMA D. REAVIS, 0000
THOMAS F. ROSHETKO, 0000
JANET T. TAYLOR, 0000
JANICE D. WALLACE, 0000
ANITA R. WOLFE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN G. BULICK, JR., 0000
RICKY L. CAMPISE, 0000
JANET M. DELTUVA, 0000
THOMAS L. DUQUETTE, 0000
JAMES V. FAVRET, 0000
JAMES F. FORREST, 0000
JOHN A. KILDEW, 0000
EVERETT B. MCALLISTER, 0000
PATRICK H. MURRAY, 0000
HOWARD A. REID, 0000
LINDA STEELGOODWIN, 0000
JAMES W. WEISSMANN, 0000
TIMOTHY S. WELLS, 0000
DONALD J. WHITE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

TIMOTHY A. ADAM, 0000
MARCELLA F. ADAMS, 0000
EDWARD J. ADELMAN, 0000
CHERYL D. ALLEN, 0000
MICHAEL J. ALLSHOUSE, 0000
JUAN ALVAREZ, 0000
KENNETH E. ANDERSEN, 0000
RICHARD D. ANDERSON, 0000
MELISSA J. APPLEGATE, 0000
STUART K. ARCHER, 0000
MARK R. ARLINGHAUS, 0000
NINA M. ARMAGNO, 0000
CHARLES P. ARMENTROUT, 0000
DENNIS M. ARMSTRONG, 0000
JANET C. AUGUSTINE, 0000
LONNY P. BAKER, 0000
RONALD L. BANKS, 0000
DONALD J. BARNES, 0000
SHAWN J. BARNES, 0000
SAM C. BARRETT, 0000
MATTHEW R. BARTLETT, 0000
STEVEN L. BASHAM, 0000
JEFFERY S. BATEMAN, 0000
ERIC J. BATWAY, 0000
CHARLES R. BAUMGARDNER, 0000
DEBRA F. BEAN, 0000
DAVID B. BEEN, 0000
ARTHUR T. BEISNER II, 0000
BRIAN C. BELLACICCO, 0000
ERNESTO V. BENAVIDES, 0000
ROBERT P. BENDER, JR., 0000
RODNEY K. BERK, 0000
CRAIG A. BERLETTE, 0000
MICHAEL B. BLACK, 0000
BRENDA J. BLACKMAN, 0000
JODY L. BLANCHFIELD, 0000
CLIFTON D. BLANKS, 0000
STEPHEN M. BLIZZARD, 0000
MARK A. BLUME, 0000
TODD A. BOYD, 0000
SETH P. BRETSCHER, 0000
ROBERT B. BROWN, 0000
THOMAS J. BROWNING, 0000
HERALDO B. BRUAL, 0000
RONALD D. BUCKLEY, 0000
EMILY A. BUCKMAN, 0000
WILLIAM J. BUECHEL, 0000
BRIAN D. BUELL, 0000
JOHN M. BUKOWINSKI, 0000
HEIDI H. BULLOCK, 0000
ROBYN M. BURK, 0000
KELLY D. BURNS, 0000
LESLIE C. BURNS, 0000
MITCHEL H. BUTIKOFER, 0000
ANTHONY M. BUTTERS, 0000
BRADLEY G. BUTZ, 0000
THOMAS A. BYRGE, JR., 0000
GORDON S. CAMPBELL, 0000
JAMES L. CARDOSO, 0000
KENNETH D. CARLSON, 0000
JEFFREY A. CARROTHERS, 0000
PAUL L. CARTER III, 0000
TED E. CARTER, JR., 0000
LYLE W. CARY, 0000
CHARLES E. CATOE, 0000
DAVID B. CHANDLER, 0000
MICHAEL J. CHANDLER, 0000
STEVEN R. CHARBONNEAU, 0000
JOHN A. CHERREY, 0000
GARY D. CHESLEY, 0000
ROBERT D. CLAMPITT, 0000
MURRAY R. CLARK, 0000
CHEVALIER P. CLEAVES, 0000
MARK E. CLINE, 0000
KEVIN J. COLE, 0000
JAMES L. COMFORT, 0000
KIMERLEE L. CONNER, 0000
MICHAEL P. CONNOLLY, 0000
KATHLEEN A. COOK, 0000
WILLIAM T. COOLEY, 0000
CHRISTOPHER M. COOMBS, 0000
DAVID B. COOMER, 0000
MARK A. COOTER, 0000
RICKY J. CORNELIO, 0000
JOHN A. COTE, 0000
CHRISTOPHER D. COTTS, 0000
ROBERT J. CRAVEN, 0000
JAMES W. CROWHURST, 0000
ROBERT J. CULHANE, 0000
HAROLD J. CUNNINGHAM, JR., 0000
THOMAS F. CURRAN, JR., 0000
TOM P. CURRIE, JR., 0000
ANDRE K. CURRY, 0000
MARGARET J. CZAPIEWSKI, 0000
DARREN R. DANIELS, 0000
WILLIAM B. DANSKINE, 0000
ALAN D. DAVIS, 0000
HOWARD C. DAVIS, 0000
ANTHONY K. DECKARD, 0000
CORDELL A. DELAPENA, JR., 0000
WILLIAM C. DEMASO, 0000
MICHAEL R. DEMBROSKI, 0000
STEPHEN R. DEMERS, 0000
DONALD T. R. DERRY, 0000
BRUCE T. DESAUTELS, 0000
JOSEPH E. DIANA, 0000
STEPHEN A. DIFONZO, 0000
LAURENCE A. DOBROT, 0000
JOHN L. DOLAN, 0000
RAMONA L. DOLSON, 0000
EDWIN F. DONALDSON III, 0000
ROBERT C. DOOLEY, 0000
RODERICK E. DORSEY, JR., 0000
CLIFTON DOUGLAS, JR., 0000
SUZANNE L. DUBOSE, 0000
VALENTINE J. DUGIE, 0000
CHARLES A. DUNN II, 0000
CHARLES W. EASTMAN, 0000
STEPHEN M. ELLIOTT, 0000
DAVID F. ELLIS, 0000
CHRISTOPHER T. EMMERT, 0000
SCOTT J. ERICKSON, 0000
ROYCE E. EVES, 0000
JAMES E. FAIRCHILD, 0000
MICHAEL A. FANTINI, 0000
PAUL E. FEATHER, 0000
GLENN A. FERGUSON, 0000
SUZANNE FILION, 0000
EDWARD M. FINCKE, 0000
SCOTT A. FISCHER, 0000
THOMAS A. FITCH, 0000
JAY S. FITZGERALD, 0000
JAMES M. FOLEY, 0000
SCOTT A. FOREST, 0000
LESLIE A. FORMOLO, 0000
KEVIN L. FOX, 0000
BRIAN E. FREDRIKSSON, 0000
THOMAS A. F. FREESE, 0000
DAVID B. FRYE, 0000
JAMES M. GALLAGHER, 0000
MICHAEL E. GANTT, 0000
JOHN W. GARDNER, 0000
STEVEN D. GARLAND, 0000
THOMAS L. GIBSON, 0000
JOHN E. GILMOUR, 0000
KEITH M. GIVENS, 0000
CARL C. GOODISON, 0000
REID M. GOODWYN, 0000
JOHN R. GORDY II, 0000
CARL S. GRAMLICK, 0000
LAWRENCE C. GRAY II, 0000
GARRY M. GREEN, 0000
SCOTT B. GREENE, 0000
KENNETH G. GRIFFIN, 0000
DARRYLE J. GRIMES, 0000
PAUL H. GUEMMER, 0000
ERIC G. GUNZELMAN, 0000
JEFFREY H. GUSTAFSON, 0000
GREGORY M. GUTTERMAN, 0000
ROBERT D. HACKETT III, 0000
LANCE C. HAFELI, 0000
CRAIG W. HALL, 0000
JAMES R. HALL, 0000
KURT D. HALL, 0000
JAMES D. HAMILTON, 0000
WILLIAM S. HANDY, 0000
PAUL R. HARDY, 0000
DARREN E. HARTFORD, 0000
QUINTIN H. HARTT, JR., 0000
JOSEPH M. HASTINGS, 0000
JEFFREY A. HAUSMANN, 0000
JEFFREY E. HAYMOND, 0000
MARK S. HAYS, 0000
MICHAEL T. HEALY, 0000
RICHARD L. HEDGPETH, 0000
FRANK R. HEINSOHN, 0000
JEFFREY A. HERD, 0000
GREGORY A. HERMSMEYER, 0000
MARK E. HESS, 0000
KENNETH P. HESSION, 0000
DANIEL K. HICKS, 0000
SCOTT W. HILL, 0000
LAWRENCE W. HINKIN, 0000
ELLWOOD P. HINMAN IV, 0000
MARK A. HOBSON, 0000
WILLIAM R. HODGKISS, 0000
SUSAN M. HOGG, 0000
BLAINE D. HOLT, 0000
MARK D. HORN, 0000
MICHAEL J. HORNITSCHEK, 0000
PAUL R. HORST, JR., 0000
SCOTT A. HOWELL, 0000
JOHN T. HRUBY, 0000
ROBERT B. HUBER, 0000
PAUL E. HUFFMAN, 0000
ARLEY J. HUGGHINS, 0000
ERIC N. HUMMER, 0000
RONALD L. HUNTLEY, 0000
JEFFREY L. HUPY, 0000
TIMOTHY D. HUTCHISON, 0000
JEFFREY A. JACKSON, 0000
RICHARD S. JARVIS, 0000
VINCENT B. JEFFERSON, 0000
CHARLES D. JOHNSON, 0000
DAVID C. JOHNSON, 0000
LEWIS E. JORDAN, JR., 0000
MICHAEL J. JORDAN, 0000
VINCENT T. JOVENE, JR., 0000
WARD F. JUEDEMAN, 0000
THOMAS Z. JUNYSZEK, 0000
JOHN H. KAFER, 0000
HANS R. KASPAR, 0000
RICKY L. KEELING, 0000
STANFORD K. KEKAUOHA, 0000
BRIAN T. KELLY, 0000
PATRICK M. KELLY, 0000
RANDALL T. KERSEY, 0000
MOHAMMED A. KHAN, JR., 0000
HARRY R. KIMBERLY III, 0000
DONALD F. KIMMINAU, 0000
DONALD E. KIRKLAND, 0000
SCOTT A. KISER, 0000

STEVEN V. KNUTSON, 0000
LAURA J. KOCH, 0000
DONALD J. KOCHANSKI, 0000
STEPHEN W. KORNS, 0000
EDWARD A. KOSTELNIK, JR., 0000
MARILYN H. KOTT, 0000
MICHAEL V. KRUEGER, 0000
JAMES D. LABOMBARD, 0000
ALAN T. LAKE, 0000
STEVEN K. LAMBERT, 0000
STEPHEN A. LANGFORD, 0000
SCOTT C. LARRIMORE, 0000
WAYNE A. LARSEN, 0000
JAMES R. LASCHE, 0000
EUGENE K. LEE II, 0000
KEVIN L. LEEK, 0000
RONALD F. LEWANDOWSKI, 0000
JAMES A. LEWIS III, 0000
WALTER J. LINDSLEY, 0000
STEPHEN T. LING, 0000
ANTHONY S. LOMBARDO, 0000
JOHN W. LONG, 0000
STEVEN R. LOOTENS, 0000
ERIC C. LORRAINE, 0000
PHILIP E. LOUDEN, JR., 0000
MICHAEL T. LUFT, 0000
JAMES P. LUKE, 0000
RUSSELL L. MACK, 0000
PATRICK C. MALACKOWSKI, 0000
SCOTT E. MANNING, 0000
RICHARD S. MARKS, 0000
RONALD L. MARSELLE, 0000
JOSEPH D. MARTIN, 0000
MARK D. MATTISON, 0000
MARY E. MATUSIEWICZ, 0000
GARY A. MAUSOLF, 0000
JEFFREY W. MAXWELL, 0000
PATRICK A. MCCLELLAND, 0000
PATRICK J. MCCREA, 0000
KEVIN J. MCELROY, 0000
PATRICIA I. MCGINNIS, 0000
JAMES J. MCGOVERN, 0000
MICHAEL J. MCINERNEY, 0000
PAUL S. MCINTYRE, 0000
EDWARD L. MCKINZIE, 0000
MARK A. MCLEAN, 0000
DARREN D. MEDLIN, 0000
MARCIA R. MEEKSEURE, 0000
JAMES J. MEERSMAN, 0000
JEFFREY T. MIKESELL, 0000
DAVID A. MILLER, 0000
EVAN M. MILLER, 0000
PATRICK J. S. MILLER, 0000
STEVEN L. MILLER, 0000
MICHAEL A. MINIHAN, 0000
JEFFREY G. MINTZLAFF, 0000
MARK H. MOL, 0000
CHRISTOPHER P. MONAHAN, 0000
WAYNE R. MONTEITH, 0000
KEVIN R. MOORE, 0000
PATRICK X. MORDENTE, 0000
JAMES A. MORGAN, 0000
MARYDARLENE MORGAN, 0000
MICHAEL B. MORGAN, 0000
JOHN C. MORLEY, 0000
MARSHALL T. MORRISON, 0000
WILLIAM J. MORROW, JR., 0000
STEPHEN K. MOULTON, 0000
KEVIN M. MULVIHILL, 0000
MONTE J. MURPHY, 0000
PAUL R. MURPHY, 0000
JAMES E. MURRAY, 0000
MARK K. NAKANISHI, 0000
JUAN C. NARVID, 0000
SCOTT A. NEUMANN, 0000
WILLIAM K. NUGENT, JR., 0000
PERRY R. OAKS, 0000
JAMES W. OBRIEN, 0000
MARY F. OBRIEN, 0000
MICHAEL G. OBRIEN, 0000
TIMOTHY J. OBRIEN, 0000
LISA A. H. ONAGA, 0000
BRIAN P. OREAR, 0000
STEPHEN E. OREAR, 0000
JONATHAN M. OWENS, 0000
SCOTT A. OWENS, 0000
LAMAR D. PARKER, 0000
TERRY W. PARROTT, 0000
GREGORY D. PARSONS, 0000
TERRY A. PARSONS, 0000
ANDREW H. PEARS, 0000
CHRISTOPHER J. PEHRSON, 0000
MICHAEL E. PELLETIER, 0000
THOMAS PEPPARD, 0000
CARMEN F. PERONE, JR., 0000
CATHERINE M. PERRO, 0000
GREGORY J. PETREQUIN, 0000
HERBERT PHILLIPS, JR., 0000
JAMES A. PICKLE, 0000
MICHAEL A. PIPAN, 0000
PHILIP A. PLATT, 0000
PRESTON M. PLOUS, 0000
HENRY W. POLCZER, 0000
TONY POUNDS, 0000
JEFFREY W. PRICHARD, 0000
JOHN W. PROBST, 0000
RAFAEL D. L. QUEZADA, 0000
RUSSELL J. QUINN, 0000
ROSE A. RAMIREZ, 0000
JOHN T. RAUCH, JR., 0000
JAMES C. REAVIS, 0000
JEFFREY S. RENNER, 0000
STELLA R. RENNER, 0000
DAVID A. RETH, 0000
ROBERT B. RICARTE, 0000
GEORGE E. RIEBLING, 0000
JAMES G. RIEMENSVANLAARE, 0000
DARRELL L. RIGGS, 0000
GEORGE A. RISSE, 0000
JOSE A. RIVERAGAUD, 0000
JAMES C. RIX, 0000
MICHAEL G. ROBBINS, 0000
RICHARD F. ROBEL, JR., 0000
PETER C. ROBICHAUX, 0000
EVAN G. ROELOFS, 0000
JOSEPH L. ROMANO III, 0000
GEORGE H. ROSS III, 0000
FRANK J. ROSSI, 0000
GLENN G. ROUSSEAU, 0000
RONALD C. ROUX, 0000
DAVID B. ROYAL, 0000
JOHN A. RUTKOWSKI, 0000
RAYMOND A. SABLE, 0000
RONALD J. SANDERS, 0000
MICHAEL D. SARCHET, 0000
VINCENT SAVINO, 0000
GEORGE P. SCHAUB, 0000
JOSEPH V. SCHMIDT, 0000
ERIC W. SCHNAIBLE, 0000
KEVIN B. SCHNEIDER, 0000
THOMAS A. SCHNEIDER, 0000
RICHARD L. SCHOONMAKER, 0000
PATRICIA K. F. SEARCY, 0000
DANIEL J. SETTERGREN, 0000
THOMAS J. SEXTON, 0000
DONALD L. SHAFFER, 0000
JOHN S. SHAPLAND, 0000
ANDRE G. SHAPPELL, 0000
STUART J. SHAW, 0000
STEVEN C. SHEPARD, 0000
BRIAN D. SHIMEL, 0000
HENRY H. SHIN, 0000
EDWARD F. SHOCK, 0000
JAMES K. SIKES, 0000
DOROTHY A. SILVANIC, 0000
DENNIS J. SIMPSON, 0000
ROBERT W. SINGLETON, 0000
TRACEY S. SKELTON, 0000
TRACY A. SMIEDENDORF, 0000
MICHAEL S. SMITH, 0000
PAUL L. SMITH, 0000
STEVEN A. SMITH, 0000
FRANK T. SMOLINSKY, 0000
JAMES A. SPAULDING, 0000
MICHAEL W. SPENCER, 0000
WILLIAM J. SPENDLEY, JR., 0000
MARK S. SPILLMAN, 0000
MICHAEL P. STAPLETON, 0000
MARCY A. STEINKEFIKE, 0000
MICHAEL H. STICKNEY, 0000
FERDINAND B. STOSS, 0000
JEFFREY N. STOUT, 0000
TYRONE A. STRACHAN, 0000
JOHN J. SULLIVAN, 0000
DAVID B. SUMRELL, 0000
JON M. SUTTERFIELD, 0000
KEITH A. SWENSEN, 0000
JEFFREY B. TALIAFERRO, 0000
WILLIAM L. THOMAS, JR., 0000
BRADLEY P. THOMPSON, 0000
CHARLES F. THOMPSON, 0000
JULIAN H. TOLBERT, 0000
HARRY A. TRUHN, 0000
CAREY F. TUCKER, 0000
STEPHEN G. UYEHATA, 0000
CHRISTOPHER R. VALLE, 0000
ROLAND K. VANDEVENTER, 0000
ROBIN P. VANDERBERRY, 0000
DAVID G. VANDERVEER, JR., 0000
PETER L. VANDEUSEN, 0000
DEBORAH L. VANDEVEN, 0000
GLEN D. VANHERCK, 0000
JOSEPH A. VENEZIANO, 0000
TERRY W. VIRTS, 0000
JEAN N. VITE, 0000
ROBERT M. WALKER, 0000
CHRISTOPHER A. WARACK, 0000
WARREN G. WARD, 0000
BARBARA K. WATKINS, 0000
TERRY WATKINS, 0000
ALISON M. WEIR, 0000
REBECCA E. WEIRICK, 0000
BARTHOLOMEW W. WEISS, 0000
JERRY K. WELDON II, 0000
JOSEPH D. WERCINSKI, 0000
PHILIP V. WESTERFIELD, 0000
SCOTT G. WIERSCHKE, 0000
CALVIN WILLIAMS, 0000
RICHARD K. WILLIAMS, 0000
STEVEN P. WINKLMANN, 0000
MICHAEL F. WINTERS, 0000
JOHN M. WOOD, 0000
CHRISTOPHER F. WRENN, 0000
RICHARD N. WRIGHT, 0000
MICHAEL V. YUILL, 0000
SARAH E. ZABEL, 0000
TODD M. ZACHARY, 0000
JOSEPH A. ZAHN, 0000
NOEL ZAMOT, 0000
DANIEL C. ZOOK, 0000
DAVID R. ZORZI, 0000
LOUIS V. ZUCCARELLO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

WADE B. ADAIR, 0000
TRACY L. ALLEN, 0000
DALE F. ALWARD, 0000
DELORES A. ANDERSON, 0000
SUSAN G. ANGUS, 0000
CHRISTOPHER J. ARRICALE, 0000
WILLIAM B. BARKLEY, 0000
JOYCE C. BEATY, 0000
PAMELA BELLGARVIN, 0000
KENNETH BOND, 0000
JACQUELINE L. BOWERS, 0000
WILLIAM C. BREEDLOVE, 0000
DAVID B. BROWN, 0000
TERA Y. CARTER, 0000
ANADIS COLLADOVALENTIN, 0000
JEFFREY N. COOK, 0000
SARAH A. COORSDAVIDSON, 0000
MANUEL DOMINGUEZ, 0000
ALBERT E. DUFFIELD, JR., 0000
STEPHANIE K. DUSZA, 0000
DEREK S. ECKLEY, 0000
GREGORY S. FELTENBERGER, 0000
SEAN P. FRANCIS, 0000
TOMMY D. FRANKLIN, JR., 0000
TERRELL G. FREEMAN, 0000
SHUREE J. GILLESPIE, 0000
RONALD J. GREENAWAY, 0000
RODNEY A. GUMBISH, 0000
EUGENE HARRIS II, 0000
JOHN J. ISTVAN, 0000
RANDALL G. IVALL, 0000
MILTON O. JOHNSON, JR., 0000
BRIAN K. JONES, 0000
CHRISTOPHER R. JOSEPH, 0000
VICKY M. KRAMER, 0000
MATTHEW S. KRAUCHUNAS, 0000
STANTON A. LESIEUR, 0000
TED C. LEMON, 0000
JAY T. LUDESCHER, 0000
SABRINA R. J. LUTTRELL, 0000
ROGER E. LYNCH, 0000
JOSEPH G. LYONS, 0000
WENDY L. MACK, 0000
KATHLEEN M. MACKEY, 0000
MARYANN I. MARQUEZ, 0000
ANN M. MCCAIN, 0000
NORA MERRITT, 0000
PATRICK R. MISNICK, 0000
ROYCE F. MOORE, 0000
JAMES F. MULLEN, 0000
GEORGE I. ONYENYEONWU, 0000
ROBERT D. PELTZER, 0000
KENNETH C. PERRY, 0000
KEVIN J. PINETTE, 0000
LYDIA A. RADFORD, 0000
JOSE C. RAZO, JR., 0000
GREGORY J. READY, 0000
EDWARD E. RHODES III, 0000
JONATHAN E. RICHARDS, 0000
JENNIFER E. RIGGINS, 0000
KIMBERLY J. ROBERTS, 0000
MARK W. ROGERS, 0000
AMY E. RUSSO, 0000
ANDREA N. RYAN, 0000
ALVIN SCOTT, JR., 0000
ALTAN A. SHAFFER, 0000
BRYAN K. SIMPSON, SR., 0000
KRISTEN M. SORRELLS, 0000
JOSE A. SORTO, 0000
BETH A. SPOON, 0000
KEVIN D. STAPLES, 0000
MARK E. STEPHENS, 0000
LISAMARIE C. TAPIA, 0000
MARIA D. VASSAR, 0000
JAY W. VEEDER, 0000
ELIJIO J. VENEGAS, JR., 0000
RAUL P. VIRAY, 0000
RANDALL WEBB, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES W. BARBER, 0000
DANNY L. BLAKE, 0000
DUANE M. BRAGG, 0000
JOHN R. BROOKS, 0000
JOHN H. DANIELS, 0000
JAMES D. DARDEN, 0000
GREGORY B. DEWOLF, 0000
BRENT A. EPLING, 0000
MATTHEW B. ESCHER, 0000
LOUIS A. FERRUCCI, JR., 0000
KEVIN M. FRANKE, 0000
DAVID V. GILL, 0000
MATTHEW A. GRINSTAFF, 0000
SEAN A. HOLLOWAY, 0000
KARL D. HUTH, 0000
RONALD L. JOHNSON, 0000
DANIEL E. LEE, 0000
CHRISTOPHER P. MARCUS, 0000
ERICH P. MURRELL, 0000
CHRISTOPHER A. PHILLIPS, 0000
MICHAEL J. REUSS, 0000
MICHAEL C. SUMNER, 0000
STEVEN P. VANDEWALLE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

PAGE S. ALBRO, 0000
PATRICK MCANDREW, 0000
JANET L. PROSSER, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

MICHAEL C. DOHERTY, 0000
JAY M. WEBB, 0000

To be lieutenant colonel

MICHAEL L. ADAMS, 0000
MARILYN GEORGES, 0000
JOSEPH F. MILLER, 0000
GARY L. WILKERSON, 0000

To be major

HRISTOPHER W. DAVIS C, 0000
EDWIN A. DEAGLE, 0000
INGRID LIM, 0000
JEFFREY T. NEWHARD, 0000
NESTOR SOTO, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

HEIDI P. TERRIO, 0000

To be major

ERIC M. BLUMAN, 0000
SUSAN M. DAY, 0000
JOHN W. ERVIN, 0000
DEAN R. FOCHT, 0000
NELSON A. FRANCO, 0000
DION L. FRANGA, 0000
LINDA G. JACKSON, 0000
JASON M. JOHNSON, 0000
ERIC J. LESCAULT, 0000
RICHARD S. LUCIDI, 0000
MICHAEL F. MACDONALD, 0000
DONNY M. MELTON, 0000
CHANG W. MOON, 0000
DZUNG Y. NGUYEN, 0000
THOMAS P. POEPPING, 0000
BRUCE A. RIVERS, 0000
BRETT A. SCHLIFKA, 0000
ROSS D. SEGAN, 0000
BENJAMIN SOLOMON, 0000
JOHN H. WU, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL T. ABATE, 0000
COURTNEY L. ABRAHAM, 0000
FREDDY L. ADAMS II, 0000
JEFFREY W. ADAMS, 0000
ROBERT S. ADCOCK, 0000
ANDREW J. AIELLO III, 0000
VORNHOLT A. AKERS, 0000
ERIC M. ALA, 0000
EVERARDO ALANIS, 0000
MARCOS U. ALANIZ, 0000
JOSE O. ALATORRE, JR., 0000
JOSEPH H. ALBRECHT, 0000
DAVID A. ALBRIGHT, 0000
JOSEPH M. ALBRIGHT, 0000
JAMES G. ALDEN, 0000
CHRISTOPHER G. ALESHIRE, 0000
JORDAN A. ALEXANDER, 0000
PAMELA S. ALEXANDER, 0000
TROY V. ALEXANDER, 0000
YUSHA A. ALI, 0000
ERIC E. ALLEYNE, 0000
MATTHEW S. ALLISON, 0000
CHRISTOPHER T. ALTAVILLA, 0000
LUIS G. ALVARADOCOLON, 0000
EDGAR J. ALVAREZ, 0000
LUIS M. ALVAREZ, 0000
JASON M. ALVIS, 0000
RICHARD F. AMADON, 0000
STEPHEN C. AMATO, 0000
MATTHEW K. ANASTASI, 0000
MICHAEL T. ANDERS, 0000
CHRISTIAN O. ANDERSON, 0000
ERIC A. ANDERSON, 0000
MICHAEL C. ANDERSON, 0000
MITCHELL E. ANDERSON, 0000
MARK C. ANDRES, 0000
BRANDY M. ANDREWS, 0000
AARON ANGELL, 0000
GREG W. ANK, 0000
LORI E. ANKABRANDT, 0000
DAVID A. ANTHONY, 0000
DERRICK G. ANTHONY, 0000
JUDY C. ANTHONY, 0000
VALERO R. AQUINO, 0000
MATTHEW T. ARCHAMBAULT, 0000
AUGUST A. ARDUSSI, 0000
STEVEN N. ARNE, 0000
ALEXANDER D. ARNOLD, 0000
DAVID M. ARNOLD, 0000
JASON E. ARNOLD, 0000
JOHNPAUL H. ARNOLD, 0000
WILLIAM C. ARNOLD, 0000
CHE T. AROSEMENA, 0000
LUIS R. ARZUAGAMALAVE, 0000
JAMES M. ASHBURN, 0000
DAVID C. ASHCRAFT II, 0000
CARLA N. ASHLEY, 0000
CHARLES L. ASSADOURIAN, 0000
ROBERT L. ATIENZA, 0000
CARLA J. AUGUSTINE, 0000
ARIEYEH J. AUSTIN, 0000
THOMAS E. AUSTIN, 0000
CARMEN M. AVILESECHEVARRIA, 0000
MICHELLE R. BABAUTA, 0000
BRYAN L. BABICH, 0000
CHRISTOPHER A. BACHL, 0000
DAVID J. BAER, 0000
STEPHANIE A. BAGLEY, 0000
DEWAYNE K. BAILEY, 0000
MICHAEL T. BAILEY, 0000
TAMIKA B. BAILEY, 0000
YOLANDA M. BAILEY, 0000
TERRIE L. BAISLEY, 0000
ELLIS R. BAKER, 0000
JAMES W. BAKER, 0000
MICHAEL A. BAKER, 0000
PATRICIA G. BAKER, 0000
ROBERT E. BAKER, 0000
RODNEY S. BAKER, 0000
IRA S. BALDWIN, 0000
MATTHEW S. BALINT, 0000
CLYDE S. BALL, 0000
CHRISTOPHER L. BALLARD, 0000
JULIE A. BALTEN, 0000
BRAD A. BANE, 0000
RAYMOND T. BANKS, 0000
ERIK S. BARKEI, 0000
ELLIS H. BARNES IV, 0000
DALE E. BARNETT, JR., 0000
LUIS E. BARRAZA, 0000
CARL F. BARTLE, 0000
STEPHANIE A. BARTON, 0000
MARCUS L. BATES, 0000
SAMUEL L. BATTAGLIA, 0000
LISA A. BATTLE, 0000
ROBERT T. BAUGHMAN, 0000
JASON D. BAVLNKA, 0000
DELBERT B. BAYASEN, 0000
KEITH O. BAYLOR, 0000
LOYD BEAL III, 0000
DAVID C. BEAMAN, 0000
TIMOTHY S. BEAN, 0000
GARY W. BEARD, JR., 0000
JEFFREY W. BEAUCHAMP, 0000
MARC P. BECKAGE, 0000
CALMER R. BEESON, 0000
BRIAN D. BEINER, 0000
KURT W. BELAWSKE, 0000
MARK D. BELINSKY, 0000
SUNSET R. BELINSKY, 0000
HONRE L. BELL, 0000
JEREMY D. BELL, 0000
LAWSON F. BELL, 0000
RAMONA L. BELLARD, 0000
ANDREW T. BELLOCCHIO, 0000
DEREK J. BELLOWS, 0000
AMOS R. BENNETT, 0000
BENJAMIN A. BENNETT, 0000
CHICO D. BENNETT, 0000
MATTHEW J. BERBERIAN, 0000
MICHAEL A. BERDY, 0000
JONATHAN A. BERGERON, 0000
LARRY J. BERGERON, JR., 0000
AUGUSTO J. BERNARDO, 0000
STEPHEN M. BESINAIZ, 0000
LUKE BESS, 0000
TEERAPHAN BEVILL, 0000
MEKOLA BIDANEC, 0000
CLAYTON R. BIDDLE, 0000
DAVID F. BIGELOW, 0000
MARK J. BIGELOW, 0000
BRIAN J. BIGHAM, 0000
DEREK A. BIRD, 0000
JAMES B. BIRD, 0000
ALEX W. BISHOP, 0000
JAMES K. BJERKAAS, 0000
ERIC R. BJORKLUND, 0000
CATHERINE M. BLACK, 0000
JEREMY N. BLACK, 0000
DANIEL D. BLACKMON, 0000
JAMES N. BLAIN, JR., 0000
REX L. BLAIR, JR., 0000
SETH T. BLAKEMAN, 0000
CRAIG M. BLANDO, 0000
JOSEPH R. BLANTON, 0000
WILLIAM A. BLISS, 0000
MATTHEW L. BLOME, 0000
MATTHEW R. BOCKHOLT, 0000
RYAN K. BOCOCK, 0000
JUSTIN H. BOGUE, 0000
LEE E. BOKMA, 0000
ROY L. BOLAR, 0000
JENNIFER B. BOLLINGER, 0000
DOUGLAS S. BOND, 0000
JAMES E. BONO, 0000
MICHAEL A. BONURA, 0000
ALICIA M. BOOKER, 0000
KENYA M. BOOKER, 0000
MARIA C. BORBON, 0000
PATRICK E. BOSS, 0000
RANDY BOUCHER, 0000
KEVIN D. BOUREN, 0000
KENRIC F. BOURNE, 0000
DAVID D. BOWLING, 0000
SILAS R. BOWMAN, 0000
LINDA M. BOZADA, 0000
JEFFREY A. BRACCO, 0000
DANIEL A. BRACE, 0000
TERRANCE L. BRADFORD, 0000
JAMES A. BRADY, 0000
DENA M. BRAEGER, 0000
KENNETH J. BRAEGER, 0000
JEFFERY J. BRAGG, 0000
KARST K. BRANDSMA, 0000
TERRY D. BRANNAN, 0000
ALEXANDER BRASZKO, JR., 0000
SEAN M. BRATTON, 0000
BRUCE A. BREDLOW, 0000
MATTHEW S. BRESKO, 0000
DAVID O. BRETNEY, 0000
MATTHEW P. BREWSTER, 0000
CHRISTOPHER T. BRIDGES, 0000
CHRISTOPHER D. BRINGER, 0000
LEE A. BRINKER, 0000
WENDY E. BRINSON, 0000
BRIAN D. BROBECK, 0000
JOHN A. BROCK, 0000
KASE H. BROCK, 0000
MICHELLE B. BRONELL, 0000
DERYCK J. BROOKHOUSE, 0000
CARL R. BROOKS, 0000
COLIN N. BROOKS, 0000
GEORGE L. BROOKS III, 0000
MERVIN G. BROTT, 0000
ALAN S. BROWN, 0000
CLARENCE T. BROWN IV, 0000
EDWARD A. BROWN II, 0000
JAMES D. BROWN, JR., 0000
JEFFERY D. BROWN, 0000
MATTHEW W. BROWN, 0000
SLADE C. BROWN, 0000
WADE D. BROWN, 0000
ELDRIDGE D. BROWNE, 0000
STEPHEN C. BROWNE, 0000
COREY A. BRUNKOW, 0000
LAHAVIE J. BRUNSON, 0000
JOHN T. BRYAN, 0000
JON M. BRYAN, 0000
LAMONT F. BRYANT, 0000
MATTHEW W. BRYANT, 0000
PAUL J. BRYSON, JR., 0000
FRANK M. BUCHHEIT, 0000
THOMAS A. BUCHHOLZ, 0000
TERRENCE H. BUCKEYE, 0000
CHRIS A. BUCKNER, 0000
ZACHARY J. BUETTNER, 0000
LINWOOD BUFORD, JR., 0000
MICHAEL E. BUGAJ, 0000
ALEXANDER L. BULLOCK, 0000
MATHEW F. BUNCH, 0000
WILLIAM D. BUNDY, 0000
MICHELLE M. BUNKERS, 0000
JAMES M. BUNYAK, JR., 0000
JASON T. BURGESS, 0000
JEFFREY T. BURGOYNE, 0000
MICHAEL C. BURGOYNE, 0000
PETER Q. BURKE, 0000
JONATHAN D. BURNETT, 0000
CURTIS R. BURNS, 0000
KIMBERLYN BURNSBROWN, 0000
AMY L. BURROWS, 0000
SHAWN R. BURTON, 0000
JOHN M. BUSHMAN, 0000
DARREN W. BUSS, 0000
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ERIC D. BUTLER, 0000
JEFFREY S. BUTLER, 0000
KAREL A. BUTLER, 0000
PETER C. BYLONE, JR., 0000
CHRISTOPHER J. BYRD, 0000
WILLIAM T. BYRNS, 0000
TODD S. BZDAFKA, 0000
KEVIN G. CAHILL, 0000
WOODWARD H. CALDWELL, 0000
LAWRENCE F. CAMACHO, 0000
CANDY A. CAMPBELL, 0000
CONNI C. CAMPBELL, 0000
OBERT G. CANTAVE, 0000
TYLER G. CANTER, 0000
DAVID A. CARLILE, 0000
BRIAN F. CARLIN, 0000
BRIAN J. CARLSON, 0000
CHAD M. CARLSON, 0000
MELANIE I. CARLSON, 0000
MICHAEL J. CARNEY, 0000
JASON A. CARR, 0000
NAOMI CARRINGTON, 0000
BRYAN E. CARROLL, 0000
LORA M. CARROLL, 0000
ROGER D. CARROLL, JR., 0000
ADISA O. CARTER, 0000
BRUCE J. CARTER, 0000
CARL T. CARTER, JR., 0000
JON D. CASEY, 0000
MATTHEW P. CASHDOLLAR, 0000
JOSE J. CASILLASGONZALEZ, 0000
ANTHONY J. CASSINO, 0000
BRIAN D. CASTELLANI, 0000
FERNANDO CASTILLO, 0000
DANIEL A. CASTRO, 0000
GLOVER H. CASTRO, 0000
KEVIN J. CASTRO, 0000
GARY R. CATLIN, JR., 0000
WILLIAM C. CAVIN, 0000
JOHN D. CAZIER, 0000
DOUGLAS R. CHADWICK, 0000
ADAM M. CHALMERS, 0000
CHRISTOPHER B. CHAMBLISS, 0000
JOHN F. CHAMPY, JR., 0000
SEAN A. CHANDLER, 0000
VERNON A. CHANDLER, 0000
DAVID J. CHANG, 0000
DON M. CHANG, 0000
STEVEN J. CHANG, 0000
CHRISTOPHER N. CHAPMAN, 0000
DOUGLAS L. CHAPMAN, 0000
REGINA F. CHARLES, 0000
CARL A. CHASTEEN, 0000
ANIL CHAUDHRY, 0000
SANDRA L. CHAVEZ, 0000
FRITZ CHERILUS, 0000
DANIEL V. CHERRY, 0000
JOSEPH B. CHESTNUT II, 0000
CRAIG S. CHILDS, 0000
EDWIN L. CHILTON II, 0000
JOHN A. CHISOLM, 0000
LYCHELLE L. CHISOLM, 0000

KYUNGHO CHO, 0000
LEIF E. CHRISTENSEN, 0000
MICHAEL J. CHRISTIANSEN, 0000
JOHN G. CHUNG, 0000
JONATHAN M. CHUNG, 0000
ERIC B. CHURCH, 0000
DOMINIC J. CIARAMITARO, 0000
MARCO M. CILIBERTI, 0000
ARI A. CLAIBORNE, 0000
JAMES J. CLANCY, JR., 0000
DAVID P. CLAPHAM, 0000
CARL E. CLARK, 0000
JASON P. CLARK, 0000
STEVEN M. CLARK, 0000
WILLIAM C. CLARK, JR., 0000
TOMMY J. CLEMENT, 0000
BRENT A. CLEMMER, 0000
NILE L. CLIFTON, JR., 0000
KEVIN R. CLINE, 0000
DARRIN W. CLINTON, 0000
SEAN M. CLOUGHERTY, 0000
SCOTT T. CLUTTER, 0000
MICHAEL W. COBB, 0000
PATRICK L. COBB, 0000
RONALD H. COHEN, 0000
AQUILLER E. COLE, 0000
KACI H. COLE, 0000
MICHAEL K. COLE, 0000
PAUL B. COLE IV, 0000
BRIAN B. COLEMAN, 0000
JOEL L. COLEMAN, 0000
OCTAVIA T. COLEMAN, 0000
JULIE R. COLLIE, 0000
ASHLEY D. COMBS, 0000
JASON R. CONDE, 0000
MICHAEL R. CONDE, 0000
JASON W. CONDREY, 0000
RICHARD D. CONKLE, 0000
SCOTT E. CONLEY, 0000
TRENTON J. CONNER, 0000
LEVIE J. CONWAY, 0000
BRENNAN F. COOK, 0000
JAY R. COOK, 0000
KURT J. COOK, 0000
STEPHEN D. COOK, 0000
WILLIAM E. COOK, 0000
AARON K. COOMBS, 0000
EDWARD C. COONEY, 0000
DOUGLAS W. COPELAND, 0000
KENNETH COPELAND, 0000
BRIAN A. CORAM, 0000
GEORGE I. CORBARI, 0000
ALEXANDER D. CORBIN, 0000
ELVIS CORONADO, 0000
RENE CORONADO, 0000
JACULYN R. COSEY, 0000
WILLIAM A. COSTICE, 0000
JEFFREY A. COULON, 0000
SEAN D. COULTER, 0000
ERIC E. COUNSIL, 0000
JUSTIN Z. COVEY, 0000
DAVID F. COY, 0000
WILLIAM N. CRAIG III, 0000
JAMES R. CRANE, 0000
MICHAEL P. CRANE, 0000
TIMOTHY A. CRANE, 0000
JOSEPH R. CRANFIELD II, 0000
JESSICA L. CRANFORD, 0000
CHRISTOPHER W. CRARY, 0000
KENNETH T. CRAWFORD, 0000
KEVIN A. CRAWFORD, 0000
ALLEN CRENSHAW, JR., 0000
MYRTA I. CRESPO, 0000
ERIC D. CRISPINO, 0000
HUGH E. CRONIN IV, 0000
LARRY J. CROUCHER, 0000
FRANKIE J. CRUZ, 0000
HERMINIO N. CRUZ, 0000
JEFFREY L. CSOKA, 0000
SHANE R. CUELLAR, 0000
BRADLEY T. CULLIGAN, 0000
MICHAEL P. CULLINANE, 0000
BRIAN H. CUNNINGHAM, 0000
JOEL J. CUNNINGHAM II, 0000
WILLIAM M. CUNNINGHAM, 0000
HOBY F. CUPP, 0000
NICOLE H. CURTIS, 0000
JOHN R. CUVA, 0000
ANDREW J. CYCKOWSKI, 0000
LAN T. DALAT, 0000
MATTHEW W. DALTON, 0000
WILLIAM R. DANIEL II, 0000
MARC D. DANIELS, 0000
BRANDON J. DARBY, 0000
CLEVELAND J. DARGAN, 0000
MATTHEW N. DAVENPORT, 0000
MICHAEL J. DAVIDSON, 0000
ANNA M. DAVIS, 0000
BRIAN M. DAVIS, 0000
GELONZO DAVIS, 0000
JASON W. DAVIS, 0000
KENNY L. DAVIS, 0000
MICHAEL E. DAVIS, 0000
SHELTON T. DAVIS, 0000
BENJAMIN A. DAWSON, 0000
WAYNE T. DAWSON, 0000
ARLEIGH DEAN, 0000
ANDREW J. DEATON, 0000
BRIAN E. DECKER, 0000
TONY L. DEDMOND, JR., 0000
ROBERT L. DEGAND, JR., 0000
KEITH W. DEGREGORY, 0000
JOHN S. DEJESUS, 0000
ROBERT G. DELANEY, 0000
LUIS E. DELGADO, 0000
CHONG H. DELISI, 0000
SCOTT M. DELLINGER, 0000
MATTHEW A. DELOIA, 0000
BENJAMIN K. DENNARD, 0000
EDWARD J. DENNIS, 0000
JOHN G. DEPEW, 0000
MARK J. DEROCCHI, 0000
MICHAEL F. DEROSIER, 0000
LINN K. DESAULNIERS, 0000
THOMAS M. DEVEANS, 0000
GARRETT S. DEWITT, 0000
JERRY W. DIAMOND, JR., 0000
FRANK J. DIAS, 0000
JASON W. DICKERMAN, 0000
RYAN C. DICKERSON, 0000
HANNON A. DIDIER, 0000
JOHN D. DIDIO, 0000
TIMOTHY J. DILEY, 0000
PATRICK J. DILLINGER, 0000
JOEL L. DILLON, 0000
JOEL M. DINGLE, 0000
PATRICK A. DISNEY, 0000
NATHAN T. DIVELBESS, 0000
KEVIN S. DIXON, 0000
ROBERT T. DIXON, 0000
CARLOS T. DO, 0000
JEREMY R. DOBOS, 0000
JAMES L. DOBRINSKA II, 0000
JAMES B. DOBSON, 0000
JAYSON B. DODGE, 0000
ERIC L. DOLAN, 0000
LUKE R. DONOHUE, 0000
DANIEL K. DORADO, 0000
JARRET L. DORENBUSH, 0000
NICHOLAS R. DOTTI, 0000
STEVEN M. DOWGIELEWICZ, JR., 0000
ALYSSA G. DREW, 0000
ROBERT J. DUCHAINE, 0000
JONATHAN L. DUE, 0000
ROBERT F. DUFFY, JR., 0000
CORI J. DUFORD, 0000
BRIAN E. DUGAN, 0000
AARON K. DUNCAN, 0000
TODD S. DUNCAN, 0000
MARGARITA DUNLAP, 0000
ANTWAN L. DUNMYER, 0000
JONATHAN S. DUNN, 0000
JAMES R. DUNWOODY, 0000
RAFAEL A. DURANMARIOT, 0000
JAMES S. DURHAM, 0000
REGINAL K. DYKES, 0000
FELICIA R. EADDY, 0000
RYAN A. EBEL, 0000
JEFFREY J. EBERHART, 0000
ERIC J. EBERLINE, 0000
MICHAEL D. EBY, 0000
JASON A. EDDY, 0000
PHILLIP F. EDENFIELD, 0000
BRENDAN G. EDERLE, 0000
LEE J. EDMONDS, 0000
GARY P. EDWARDS, 0000
JAMES S. EDWARDS, 0000
REBECCA L. EGGERS, 0000
THOMAS P. EHRHART, 0000
RYAN R. EHRLER, 0000
JAMES T. ELDRIDGE, 0000
ROBERT C. ELDRIDGE, 0000
WILLIAM E. ELDRIDGE, 0000
DANIELLE L. ELEY, 0000
KIMBERLY A. ELNIFF, 0000
ADIL B. ELNOUR, 0000
JAMES R. EMBRY, 0000
JIBRAUN A. EMERSON, 0000
LUKE E. EMERSON, 0000
DAVID N. EMMONS, 0000
CHRISTOPHER ENDERTON, 0000
MICHAEL A. ENGLISH, 0000
JASON S. ENYART, 0000
SCOTT K. EPLER, 0000
FRAZIER L. EPPERSON, 0000
LEONARD J. ERAZOSLOAT, 0000
BRYAN R. ERICKSON, 0000
BRIT K. ERSLEV, 0000
ALETA ESCOTO, 0000
MELISSA R. ESLINGER, 0000
JOSHUA A. ETZEL, 0000
JAIME M. EVANS, 0000
AARON G. EVEN, 0000
GEORGE S. EYSTER, 0000
BENTON J. FABER, 0000
STEPHEN A. FABIANO, 0000
JEANPAUL FABRIS, 0000
DONALD A. FAGNAN, 0000
CHRISTOPHER T. FAHRENBACH, 0000
JEFFREY J. FAIR, 0000
STEPHEN A. FAIRLESS, 0000
MICHAEL D. FARJELLAH, 0000
SHAWN E. FAST, 0000
TYLER K. FAULK, 0000
BRIAN K. FEDDELER, 0000
MARK D. FEDEROVICH, 0000
MICHAEL E. FELLURE, 0000
RICHARD T. FELTZER, 0000
JOHN F. FENNELL, JR., 0000
LEE S. FENNEMA, 0000
ROGER G. FENSTERMACHER, 0000
MATTHEW M. FERGUSON, 0000
CARLOS K. FERNANDEZ, 0000
EFRAIN FERNANDEZANAYA, 0000
MARCUS M. FERRARA, 0000
LAWRENCE G. FIELDS, JR., 0000
GUY L. FILIPPELLI, 0000
RICHARD M. FINFERA, 0000
DEREK S. FINISON, 0000
CHARLES A. FISHER, JR., 0000
MICHAEL P. FITZGERALD, 0000
CLYDE L. FLEMING, 0000
ERIC D. FLEMING, 0000
MICHAEL J. FLENTIE, 0000
DOUGLAS M. FLETCHER, 0000
JOSEPH T. FLOOD, 0000
TEVINA M. FLOOD, 0000
THOMAS A. FORTUNATO, 0000
CHAD R. FOSTER, 0000
RUSSELL J. FOSTER, 0000
LAWRENCE E. FOULKS II, 0000
PAUL A. FOWLER, 0000
RYAN R. FOXWORTH, 0000
MICHAEL F. FRAIZER, 0000
EVELYN D. FRALEY, 0000
MARC J. FRANCISZKOWICZ, 0000
ERNEST M. FRANKS, 0000
MICHAEL D. FRAZIER, 0000
ADAM B. FREDERICK, 0000
STEVEN C. FREDERICKS II, 0000
WILL B. FREDS, 0000
JACOB H. FREEMAN, 0000
ROELENE E. FREEMAN, 0000
SEAN P. FRENCH, 0000
DANIEL P. FRESH, 0000
JACOB R. FROEHLE, 0000
LUIS G. FUCHU, 0000
ALEXANDER S. FUERST, 0000
ADAM J. FULLER, 0000
JOHN A. GAGAN, 0000
JOSEPH R. GALLAHER, 0000
CHRISTOPHER T. GALLOWAY, 0000
ROBERT M. GAMBRELL, JR., 0000
JAMES E. GANNON, 0000
CHRISTOPHER P. GARBARINO, 0000
JAMIE GARCIA, 0000
MANUEL R. GARCIA, 0000
SARAH R. GARCIA, 0000
SHAWN M. GARCIA, 0000
ARTHUR J. GARFFER, JR., 0000
WILLIE R. GARFIELD, 0000
RICHARD E. GARNER, JR., 0000
RICHARD C. GARRISON, 0000
ALEXIS J. GARTNER, 0000
KIRSTEN M. GAW, 0000
SAFIYYA GAYTON, 0000
JOEL A. GEGATO, JR., 0000
JOSEPH C. GELINEAU II, 0000
THOMAS M. GENTER, 0000
ANDY B. GENTRY, 0000
MICHAEL E. GEPHART, 0000
JOSEPH C. GERACI III, 0000
MARK T. GERMANO, 0000
ANTHONY R. GIBBS, 0000
ANTHONY C. GIBSON, 0000
DOUGLAS F. GIBSON, 0000
ELIZABETH A. GIERTZ, 0000
STEPHANIE S. GILBERT, 0000
MARC W. GILBERTSON, 0000
JEREMY A. GILKES, 0000
MICHELLE E. GILL, 0000
RANDY J. GILLESPIE, 0000
JUDSON B. GILLETT, 0000
RYAN R. GILLOGLY, 0000
KELVIN L. GLASS, 0000
PETER C. GLASS, 0000
JEREMY T. GLAUBER, 0000
JAMES V. GLOVER, 0000
PETER F. GODFRIN, JR., 0000
TIMOTHY A. GODWIN, 0000
THOMAS E. GOERLING, 0000
BRIAN C. GOINGS, 0000
STANTON K. GOINGS, 0000
JESSE N. GOLDMAN, 0000
TIMOTHY E. GOLOVERSIC, 0000
JAIME GONZALEZCUEVAS, 0000
JASON D. GOOD, 0000
MICHAEL J. GOOD, 0000
ALLAN K. GOODE, 0000
JOHN F. GOVAN III, 0000
ANDREW R. GRAHAM, 0000
ERIC GRAHAM, 0000
MATTHEW L. GRAHAM, 0000
GENO L. GRANDINETTE, 0000
BEVERLY R. GRANDISON, 0000
SONJA GRANGER, 0000
CHARLES B. GRAY, 0000
JEREMY J. GRAY, 0000
JOSEPH E. GRAY, 0000
ROBERT E. GRAY, 0000
DEMETRIUS A. GREEN, 0000
MATTHEW A. GREEN, JR., 0000
RONNARD GREEN, 0000
MARK A. GREENE, 0000
JOSEPH W. GREENLEE, 0000
STUART C. GREER, 0000
ROBERT J. GREGOR III, 0000
GYLES E. GREGORY III, 0000
JASON P. GRESH, 0000
STEVEN J. GRIBSCHAW, 0000
DAVID E. GRIFFIN, 0000
JOSHUA J. GRIFFIN, 0000
WILLIAM J. GRIFFIN, 0000
JEREL R. GRIMES, 0000
MARCUS W. GRIMES, 0000
MICHAEL E. GRISWOLD, 0000
JEANMICHEL T. GUERIN, 0000
EDDIE J. GUERRERO, 0000
MICHAEL A. GUICE, 0000
JACQUELINE A. GUILLORY, 0000
STEVEN D. GUNTER, 0000
CHRISTINE M. GUPTON, 0000
RAED D. GYEKIS, 0000
TRAVIS M. HABHAB, 0000
CHRISTIAN A. HAFFEY, 0000
CHRISTINE A. HAFFEY, 0000
MICHAEL L. HALL, 0000
PHILLIP E. HALL, 0000
MICHAEL J. HALLEY, 0000
JERRY D. HALLMAN, 0000
LACHIANA A. HAMILTON, 0000

ROBERT E. HAMILTON, 0000
STEPHEN S. HAMILTON, 0000
JEFFERY C. HAMMOND, 0000
KURT A. HAMMOND, 0000
SHEPHERD N. HAN, 0000
TODD W. HANDY, 0000
ERIC R. HANES, 0000
JASON J. HANIFIN, 0000
WILLIAM C. HANNAN, JR., 0000
JOSEPH D. HANSEN, 0000
MICHAEL A. HARDING, 0000
MATTHEW J. HARDMAN, 0000
DAVID E. HARGITT, 0000
MATTHEW F. HARMON, 0000
CURTIS N. HARPER, 0000
REGINALD R. HARPER, 0000
ALFRED L. HARRIS, JR., 0000
DAMON K. HARRIS, 0000
FREDERICKA R. HARRIS, 0000
JOSEPH A. HARRIS, JR., 0000
MICHAEL G. HARRIS, 0000
ROBERT G. HARRIS, 0000
THOMAS E. HARRIS, 0000
DANIEL C. HART, 0000
THOMAS M. HART, 0000
CHRISTOPHER W. HARTLINE, 0000
HEATH D. HARTSOCK, 0000
MATTHEW B. HASH, 0000
DAVID J. HASKELL, 0000
JON C. HAVERON, 0000
IRVIN R. HAWKINS, 0000
CHRISTOPHER W. HAYES, 0000
JAMES A. HAYES, 0000
TIMOTHY W. HAYLETT, 0000
DAVID L. HAYNES, 0000
PRESTON J. HAYWARD, 0000
JASON H. HEARN, 0000
BRADLEY A. HEATH, 0000
CHRISTOPHER J. HEATHERLY, 0000
SHAWN M. HEBERT, 0000
ROBERT M. HEFFINGTON, 0000
ROY E. HEFFNER, 0000
RAPHAEL S. HEFLIN, 0000
RALPH R. HEIDEL, JR., 0000
SHAWN C. HEINGARTEN, 0000
TODD W. HEINTZELMAN, 0000
RYAN C. HELLERSTEDT, 0000
ROBERT J. HELLNER III, 0000
AUGUSTA Z. HEMANN, 0000
BRIAN J. HENDERSON, 0000
COURTNEY L. HENDERSON, 0000
MARK P. HENDERSON, 0000
OTIS HENDERSON, JR., 0000
GLENN A. HENKE, 0000
CARL L. HENNEMANN, 0000
HEATHER A. HENNESSY, 0000
CECIL M. HENRY, 0000
CORA D. HENRY, 0000
JUSTIN S. HERBERMANN, 0000
STEVEN J. HERMAN, 0000
ERNESTO J. HERNANDEZ, 0000
MARK E. HEROLD, 0000
BRIAN L. HERZIK, 0000
WAYNE F. HIATT, 0000
RANDAL E. HICKMAN, 0000
WILLIAM O. HICKOK, 0000
JASON B. HICKS, 0000
KEVIN J. HIGGINS, 0000
AARON T. HILL, JR., 0000
HARRY HILL, JR., 0000
JOHN E. HILL, 0000
TIMOTHY M. HILL, 0000
TREVOR W. HILL, 0000
RALPH G. HILLMER III, 0000
JEFFREY J. HILT, 0000
MARK R. HIMES, 0000
CHRISTOPH P. HIMMELSBACH, 0000
AUBREY S. HINDS, 0000
GREGORY J. HIRSCHEY, 0000
JOSEPH E. HISSIM, 0000
KAREN E. HOBART, 0000
RUSSELL V. HOFF, 0000
WILLIAM H. HOGE III, 0000
CARSON S. HOKE, 0000
SCOTT E. HOLDEN, 0000
JASON M. HOLDER, 0000
JEFFREY S. HOLMES, 0000
JOEL R. HOLMSTROM, 0000
STEPHEN G. HOLT, 0000
JUNICEDAWN G. HOOKS, 0000
CHRISTOPHER L. HORMANN, 0000
BARRY L. HORSEY, 0000
DONALD L. HOUGHTON III, 0000
ROBERT R. HOUSTON, 0000
BRIAN C. HOWARD, 0000
JAMES C. HOWARD, SR., 0000
OSCAR L. HOWARD, JR., 0000
MATTHEW R. HOWELL, 0000
RYAN A. HOWELL, 0000
JAMES D. HOYMAN, 0000
BLUE HUBER, 0000
ANTHONY W. HUDSON, 0000
FRANK M. HUFFMAN, 0000
JOSEPH A. HUGH III, 0000
JONATHAN W. HUGHES, 0000
IAN W. HUMPHREY, 0000
HARRY D. HUNG, 0000
CAROLYN E. HUNT, 0000
DAVINA L. HUNT, 0000
EARL J. HUNTER, 0000
JARRETT A. HUNTER, 0000
TERENCE M. HUNTER, 0000
GUY C. HUNTSINGER, 0000
WAYNE S. HYMAN, 0000
AMANDA L. IDEN, 0000
GEORGE H. IMORDE III, 0000
JASON B. IRWIN, 0000
DANIEL L. ISABELL, 0000
PAUL A. ISLAND, 0000
BRIAN E. JACKSON, 0000
JAMES D. JACKSON, 0000
JOEL S. JACKSON, 0000
JOSEPH A. JACKSON, 0000
LAURENCE H. JACKSON, 0000
MARY M. JACKSON, 0000
RATASHA L. JACKSON, 0000
TODD P. JACKSON, 0000
TODD D. JAKUSZ, 0000
PETER W. JENKINS, 0000
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ROBERT L. JENKINS, 0000
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SHELIA D. JENKINS, 0000
REGINA M. JENKS, 0000
MICHAEL C. JENSIK, 0000
KEE Y. JEONG, 0000
ALTON J. JOHNSON, 0000
CURTIS L. JOHNSON, 0000
JENEEN G. JOHNSON, 0000
LEE M. JOHNSON, 0000
LUTHER R. JOHNSON, 0000
MARK H. JOHNSON, 0000
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MARSHA L. JONES, 0000
MELISSA A. JONES, 0000
RAYMOND L. JONES, 0000
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TONJA A. JONES, 0000
TROY W. JONES, 0000
DEITRICH M. JORDAN, 0000
LARRY R. JORDAN, JR., 0000
LATONYA N. JORDAN, 0000
MELVIN D. JUAN, 0000
PAUL C. JUDGE, 0000
MACPIN J. JULATON, 0000
DEBRA L. JUNGERS, 0000
MATTHEW R. JUNKO, 0000
JACKIE K. KAINA, 0000
THEODORE J. KAISER, 0000
CHERNOR S. KAKAY, 0000
ROBERT M. KAM, 0000
LOUIS J. KARNES, 0000
JENNIFER J. KASKER, 0000
SUNG K. KATO, 0000
CARLOS J. KAVETSKY, 0000
DARREN F. KEAHTIGH, 0000
CHARLES W. KEAN, 0000
JOSEPH M. KEARNEY, JR., 0000
WILLIAM R. KEATING, 0000
JACK L. KEEN, 0000
CHRISTOPHER E. KEESHAN, 0000
RICHARD E. KEFFER, 0000
GLEN P. KEITH, 0000
DEXTER J. KELLY, 0000
JAMES D. KEMTER, 0000
CHRISTOPHER S. KENNEDY, 0000
JOSHUA C. KENNEDY, 0000
MATTHEW W. KENNEDY, 0000
WALTER E. KENT III, 0000
GARY A. KERR, 0000
TOMMY G. KERR, 0000
ROSS C. KESTER, 0000
DANIEL W. KIDD, 0000
GREGORY A. KIENZLE, 0000
ANTHONY D. KILLA, 0000
GREGORY A. KILLEEN, 0000
YON C. KIMBLE, 0000
ADAM J. KIMMICH, 0000
SCOTT B. KINDBERG, 0000
KERRY K. KING, 0000
MARVIN L. KING III, 0000
RYAN R. KING, 0000
SHAUN B. KING, 0000
CHAD D. KINNEAR, 0000
TROY T. KIRBY, 0000
BRYAN G. KIRK, 0000
SPRING A. KIVETT, 0000
RUSSELL W. KLAUMAN, 0000
THUY T. KLEA, 0000
JAMES S. KLEAGER, 0000
THEODORE W. KLEISNER, 0000
JOSEPH A. KLING, 0000
MICHAEL F. KLOEPPER, 0000
VANCE J. KLOSINSKI, 0000
ROBERT C. KNAPP, 0000
JASON M. KNIFFEN, 0000
TIMOTHY G. KNOTH, 0000
SIDNEY A. KNOX, 0000
ERIK K. KOBER, 0000
EDWIN F. KOBESKI, JR., 0000
STEPHEN J. KOLOUCH, 0000
HOMPENG KOMTHIRATH, 0000
CAROL A. KOTLOWSKI, 0000
MARK P. KOVALCIK, 0000
NED A. KRAFCHICK, 0000
JACOB M. KRAMER, 0000
KEITH A. KRAMER, 0000
PETER S. KRANENBURG III, 0000
BENJAMIN W. KRATZ, 0000
JOHN W. KREDO, 0000
KELVIN K. KREITMAN, 0000
PETER N. KREMZAR, 0000
ADAM M. KUHN, 0000
BRIAN D. KUHN, 0000
MICHAEL R. KUHN, 0000
MARK G. KUROWSKI, 0000
GEORGE D. KURPE II, 0000
RYAN KUYPERS, 0000
TIMOTHY D. LABAHN, 0000
WAYNE R. LACEY, 0000
ROBERT B. LACKEY, 0000
DONALD J. LAGRANGE, 0000
RICHARD E. LAKE, JR., 0000
MARTIN T. LALLY, 0000
DAVID C. LAMBERT, JR., 0000
LOUIS D. LANCON, 0000
GORDON LANDALE, 0000
GARRETT L. LANDERS, 0000
CHRISTOPHER V. LANE, 0000
CHRISTOPHER D. LANGE, 0000
DAVID M. LANGE, 0000
JASON D. LANGE, 0000
KEIRYA R. LANGKAMP, 0000
JACOB J. LARKOWICH, 0000
DEVIN R. LARSON, 0000
KEVIN D. LASATER, 0000
MARK A. LASTORIA, 0000
DAVID LAW, 0000
GERALD S. LAW, 0000
AYODELE O. LAWSON, 0000
CLINTON L. LEE, JR., 0000
JUNG J. LEE, 0000
MICHAEL E. LEE, 0000
RANCE A. LEE, 0000
SANG B. LEE, 0000
SHANE E. LEE, 0000
STACEY L. LEE, 0000
KURTIS A. LEFFLER, 0000
DOUGLAS M. LEGAN, 0000
DANIEL L. LEGEREIT, 0000
BRENT L. LEGREID, 0000
ROBERT L. LEIATO, 0000
JAMES A. LEISE, 0000
JOHN C. LEMAY, 0000
RICHARD D. LENCZ, 0000
DENNIS S. LENE, 0000
DENE R. LEONARD III, 0000
JAIMIE E. LEONARD, 0000
RYAN G. LEONARD, 0000
MITCHELL J. LESTER, 0000
BARRETT L. LEVEL, 0000
RYAN S. LEVIER, 0000
HEATHER A. LEVY, 0000
JT LEWIS, JR., 0000
KIRK M. LIDDLE, 0000
MATTHEW P. LILLIBRIDGE, 0000
RAFAEL E. LINERARIVERA, 0000
JORIN C. LINTZENICH, 0000
CHRISTOPHER A. LINZ, 0000
BENJAMIN M. LIPARI, 0000
TODD R. LITTLE, 0000
STEVEN S. LITVIN, 0000
STEVEN B. LIVELY, 0000
GARY L. LLOYD, 0000
CLEMENT D. LOCHNER, 0000
JUNIUS S. LOFTON, 0000
BRYAN L. LOGAN, 0000
ELIZABETH H. LOMAN, 0000
JEFFREY S. LONG, 0000
JONATHAN E. LONG, 0000
JOSEPH E. LONG, 0000
THOMAS C. LONG, 0000
MICHAEL S. LONGACRE, 0000
CHRISTOPHER J. LONGO, 0000
ERIC D. LOPEZ, 0000
GERALDO E. LOPEZ, 0000
JEFFREY T. LOPEZ, 0000
VILMARIE LOPEZ, 0000
DIANA C. LOUCKS, 0000
GARY A. LOUCKS, 0000
BRIAN F. LOVE, 0000
CRAIG R. LOVE, 0000
GARY A. LOVE, 0000
CHRISTOPHER T. LOWMAN, 0000
JOHN W. LUBAS, 0000
SETH T. LUCENTE, 0000
RYAN P. LUEDERS, 0000
LUIS M. LUGO, 0000
KAREN LUGODEAN, 0000
FERNANDO M. LUJAN, 0000
HOLAND P. LUJAN, 0000
KURT W. LUMBERT, 0000
RODOLFO U. LUNASIN, 0000
CARL E. LUNDELL, 0000
MATTHEW W. LUZZATTO, 0000
JOHN D. LYBARGER, 0000
GARY M. LYKE, 0000
LARRY J. LYLE, JR., 0000
DOUGLAS LYNCH, 0000
JEFFREY B. LYONS, 0000
JUDAH LYONS, 0000
JASON J. MACDONALD, 0000
KIRK E. MACDONALD, 0000
KATINA L. MADDOX, 0000
SCOTT A. MADDRY, 0000
SCOTT J. MADORE, 0000
CHRISTOPHER S. MAHAFFEY, 0000
JOHN J. MAHER, 0000
HEATHER L. MAKI, 0000
RICHARD A. MALAGA, 0000
RICHARD W. MALTBIE, JR., 0000
SUSAN E. MANION, 0000
DANIEL E. MANLEY, 0000
BRIGHAM J. MANN, 0000
MARK A. MANNO, 0000
DANIEL R. MANRIQUE, 0000
WINSTON M. MARBELLA, 0000
JOSEPH M. MARGOLIES, 0000
KEVIN P. MARKS, 0000
PHILIP J. MARQUEZ, 0000
JASON L. MARQUISS, 0000
JOHN P. MARSHALL, 0000
CRAIG A. MARTIN, 0000
JOHN S. MARTIN, 0000
MICHAEL W. MARTIN, 0000

PHILLIP W. MARTIN, 0000
RODOLFO MARTINEZ, JR., 0000
ANGEL M. MARTINEZRODRIGUEZ, 0000
TRAHON T. MASHACK, 0000
WARREN E. MASSEY, 0000
FRANK D. MATSUZAKI, 0000
KIRK A. MAYFIELD, 0000
JONATHAN B. MAYHEW, 0000
VINCENT J. MAYKOVICH, 0000
DAVID N. MAYO, JR., 0000
PHILLIP W. MAZINGO, 0000
PETER P. MAZZELLA III, 0000
AMBROSE U. MBONU, 0000
AARON R. MCADOW, 0000
RYAN D. MCAFEE, 0000
CHRISTINA E. MCATEER, 0000
MICHAEL D. MCBRIDE, 0000
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THOMAS J. MCCARTHY, 0000
JEFFREY A. MCCARTNEY, 0000
RANDALL D. MCCAULEY, 0000
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WADE M. MCCOLLIN, 0000
RYAN E. MCCORMACK, 0000
HEATH L. MCCORMICK, 0000
ERIC A. MCCOY, 0000
MICHAEL D. MCCOY, 0000
CHRISTOPHER M. MCCREERY, 0000
JAMES S. MCCULLAR, 0000
JAMES T. MCDONALD, 0000
RAY D. MCDONALD III, 0000
RICHARD M. MCDONALD, 0000
TIMOTHY D. MCDONALD, 0000
BEN P. MCFALL III, 0000
KYLE A. MCFARLAND, 0000
KERNAA D. MCFARLIN III, 0000
MATTHEW A. MCGREW, 0000
PATRICK H. MCGUIRE III, 0000
KEVIN E. MCHUGH, 0000
WILLIAM B. MCKANNAY, 0000
KEVIN M. MCKIERNAN, 0000
SHAWANA J. MCKNIGHTBRAZZLE, 0000
JOSEPH P. MCLAINE, 0000
MARY J. MCLAINE, 0000
BRIAN K. MCLAUGHLIN, 0000
JOHN A. MCLAUGHLIN, 0000
DEXTER Y. MCLENDON, SR., 0000
SHAWN A. MCMANAMY, 0000
MATTHEW L. MCMILLEN, 0000
WILLIAM S. MCNICOL, 0000
CHARLES W. MCPHAIL, 0000
IVAN K. MCPHERSON, 0000
PATRICIA E. MCPHILLIPS, 0000
THOMAS J. MECCIA, 0000
DONALD R. MEEKS, JR., 0000
ROBB A. MEERT, 0000
TROY A. MEISSEL, 0000
JUSTIN T. MEISSNER, 0000
GEORGE J. MEKIS III, 0000
ADAM MELNITSKY, 0000
ALEXANDER S. MENTIS, 0000
MATTHEW P. MERCADANTE, 0000
BILLY MEREDITH, JR., 0000
SHAWN E. MERGES, 0000
BRIAN M. MESCALL, 0000
MICHAEL K. MESSER, 0000
MATTHEW S. METCALF, 0000
LUKE J. MEYERS, 0000
LINO MIANI, 0000
THOMAS R. MIERS, 0000
LANNY R. MIHELICH, 0000
JOHN D. MILLAY, 0000
BRYAN M. MILLER, 0000
BURR H. MILLER, 0000
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SAMUEL S. MILLER, 0000
WILLIAM J. MILLER, 0000
YVONNE C. MILLER, 0000
ZACHARY L. MILLER, 0000
BRADLEY W. MILLS II, 0000
TAMI R. MILLS, 0000
MICHAEL F. MINAUDO, 0000
ROGER MIRANDA, 0000
KENNETH D. MITCHELL, 0000
JARRETT S. MOFFITT, 0000
ERIC J. MOLFINO, 0000
MAYRA G. MOLINARY, 0000
JACOB A. MONG, 0000
JAMES F. MONTGOMERY, 0000
JASON G. MONTGOMERY, 0000
ROBIN W. MONTGOMERY, 0000
GORDON R. MOON, 0000
ALLEN T. MOORE, JR., 0000
DANIEL C. MOORE, 0000
JENNIFER A. MOORE, 0000
SHON R. MOORE, 0000
LYNNE A. MOREHOUSE, 0000
JARROD P. MORELAND, 0000
JAMES C. MORENO, 0000
CLAY A. MORGAN, 0000
CORNELIUS L. MORGAN, 0000
JAMES J. MORGAN, 0000
MATTHEW T. MORGAN, 0000
RODNEY L. MORGAN, 0000
RYAN J. MORGAN, 0000
JOHN C. MORNING, 0000
GREGORY MORRIS, 0000
STEVEN D. MOSELEY, 0000
COLETTE M. MOSES, 0000
JAMERSON W. MOSES, 0000
JARRETT R. MOSES, 0000
SHANE A. MOYER, 0000
JAMES A. MOYES, 0000
JEFFREY A. MUIR, 0000
DAVID J. MULACK, 0000
MATTHEW W. MULARONI, 0000
CHRISTOPHER J. MULLIGAN, 0000
JOSEPH D. MUNGER, 0000
TIMOTHY R. MUNGIE, 0000
ROBYN L. MUNSON, 0000
AARON J. MUNZ, 0000
STEPHEN F. MURPHY, 0000
ALEXANDER C. MURRAY, 0000
CHAD T. MURRAY, 0000
JEREMY S. MUSHTARE, 0000
DARREN E. MUSICO, 0000
JOHN J. MYERS, 0000
JON P. MYERS, 0000
NEIL D. MYERS, 0000
EUGENE MYLES, 0000
THOMAS J. NAGLE, JR., 0000
JOSHUA R. NAGTZAAM, 0000
JOHN B. NALLS, 0000
CHAD M. NANGLE, 0000
TODD A. NAPIER, 0000
GEORGE G. NASIF, 0000
NICHOLAS NAZARKO II, 0000
ERIC P. NEBEKER, 0000
ANTHONY W. NELSON, 0000
DAVID L. NELSON, JR., 0000
WILLIAM B. NELSON, 0000
JEFFERY J. NERONE, 0000
ROBERT P. NESBIT, 0000
KEVIN M. NEUMANN, 0000
GERALD A. NEW, 0000
TERRANCE R. NEWMAN, 0000
JONATHAN A. NEWSOM, 0000
ANTHONY J. NEWTSON, 0000
CHI K. NGUYEN, 0000
THO D. NGUYEN, 0000
DARNELL M. NICHOLAS, 0000
JASON B. NICHOLSON, 0000
MICHAEL C. NICHOLSON, 0000
PATRICK NIESTZCHE, 0000
FRANK L. NIETO, 0000
ALTHERIA M. NILES, JR., 0000
CHRISTOPHER E. NIX, 0000
KEVIN R. NIX, 0000
DAVID W. NOBLE, 0000
JOSHUA P. NORBURY, 0000
SEAN C. NOWLAN, 0000
DONNIE NOWLIN, 0000
MICHAEL T. NUCKOWSKI, 0000
CHRISTOPHER G. NUELS, 0000
DARIN M. NUNN, 0000
DENNIS E. NUTT, 0000
DOMINICK E. NUTTER, 0000
HANS W. NYHUS, 0000
CHRISTY L. NYLAND, 0000
SEAN D. OBERRY, 0000
CANDICE E. OBRIEN, 0000
WILLIAM J. OBRIEN, 0000
RYAN P. OCONNOR, 0000
CHRISTOPHER T. ODACHOWSKI, 0000
CHRISTOPHER J. ODONNELL, 0000
JEREMY J. ODONNELL, 0000
PAUL S. OH, 0000
RICHARD N. OJEDA II, 0000
SHERIFF A. OLALEKAN, 0000
JONATHAN L. OLSON, 0000
RICHARD B. ONDERKO, 0000
KELLY M. ONEAL, 0000
RYAN P. OQUINN, 0000
ALAN J. ORAM, 0000
NATHANIEL J. ORLOWSKI, 0000
GREGORY G. ORRELL, 0000
DENNIS J. ORTIZ, 0000
LESLEY G. ORTIZ, 0000
SCOTT M. OSTERLING, 0000
TIMOTHY R. OSULLIVAN, 0000
CHRISTOPHER D. OTERO, 0000
DARRELL J. OTTO, 0000
JONATHAN A. OTTO, 0000
ROBERT M. OVERGAARD, JR., 0000
CHRISTOPHER T. OWEN, 0000
DAVID P. OWEN, 0000
SETH A. OWEN, 0000
STEPHEN W. OWEN, 0000
JACK W. OWENS, 0000
MICHAEL D. OWENS, 0000
ADALBERTO PAGANFIGUEROA, 0000
THOMAS B. PAGEL, 0000
IVAN A. PALACIOS, 0000
ALI W. PALMER, 0000
DANIEL L. PALMER, 0000
IAN C. PALMER, 0000
JAMES S. PALMER, 0000
JEFFREY M. PAPALEO, 0000
BENJAMIN J. PARDIECK, 0000
MICHAEL N. PARENT, 0000
LUIS A. PARILLI, 0000
RONNIE PARK, 0000
JOSEPH H. PARKER, 0000
MICHAEL D. PARKER, 0000
CATINA S. PARKS, 0000
NEIL T. PARKS, 0000
STEPHEN M. PARRISH, SR., 0000
GITTIPONG PARUCHABUTR, 0000
SEBASTIAN A. PASTOR, 0000
RYAN W. PATNODE, 0000
TORAIN J. PATRICK, 0000
STACEY D. PATTERSON, 0000
TAMIKA D. PATTILO, 0000
ROBERT J. PAWLAK, 0000
CHRISTOPHER D. PAYANT, 0000
CHRISTOPHER A. PAYEUR, 0000
BRANDON Y. PAYNE, 0000
LIVIA A. PAYNE, 0000
MIKE L. PEARCE, 0000
ARNYM Y. PEDRAZAGONZALEZ, 0000
JEREMY L. PEIFER, 0000
ANDREW F. PEKALA, 0000
JASON D. PEREZ, 0000
LUIS G. PEREZ, 0000
LETSY A. PEREZFOLCH, 0000
JASON B. PERIATT, 0000
ROBERT L. PERRY, 0000
ROBERT S. PERRY, 0000
STEPHEN J. PETERS, 0000
BRIAN E. PETERSON, 0000
STEPHEN T. PETERSON, 0000
MATHIEU N. PETRAITIS, 0000
RICHARD H. PFEIFFER, JR., 0000
MICHAEL T. PHILIPAK, 0000
DOUGLAS S. PHILIPPONE, 0000
DARRELL O. PHILLIPS, 0000
DWIGHT E. PHILLIPS, JR., 0000
REX L. PHILLIPS, 0000
SANTOS G. PICACIO, JR., 0000
SHAW S. PICK, 0000
SAMUEL R. PICKANDS, 0000
WAYNE N. PICKETT, 0000
JASON D. PIKE, 0000
GARY L. PINA, 0000
MARIO L. PIPKIN, 0000
VICTOR A. PIRAK, 0000
JOHN S. PIRES, 0000
REGINA PISTONE, 0000
RANDALL S. PITCHER, 0000
WILLIAM L. PLATTE, 0000
DANIEL J. PLOURD, 0000
CAASIA A. PLUMMER, 0000
JAMES J. POCHOPIEN, 0000
MICHAEL G. POIRIER, 0000
SARA E. POLLAK, 0000
ANTHONY F. POLLIO, JR., 0000
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MICHAEL J. PONCHAK, 0000
WILLIAM J. PONTES, 0000
JOHN M. POOLE, 0000
WILLIAM H. POOLE IV, 0000
KENNETH J. POPLICK, 0000
CRAIG A. PORTER, 0000
MICHAEL P. POST, 0000
DALLAS A. POWELL, JR., 0000
SANTEL H. POWELL II, 0000
BRIAN J. PRATT, 0000
JOHN W. PRATT, 0000
WILLIAM R. PRAYNER, JR., 0000
LEONARD J. PRESCOTT, 0000
CHRISTOPHER D. PRESNELL, 0000
JEFFREY M. PREVETT, 0000
CHARLES E. PRICE, 0000
JOHN E. PRICE, 0000
SEAN P. PRICE, 0000
CLYDELLIA S. PRICHARDALLEN, 0000
CLYDEA M. PRICHARDBROWN, 0000
JOSEPH F. PRIDGEN, 0000
MATTHEW K. PROHM, 0000
GARY J. PRUIETT, JR., 0000
THOMAS S. PUGSLEY, 0000
JOSEPH L. PULLEN, 0000
DOUGLAS M. PULLEY, 0000
JORN A. PUNG, 0000
JAYSON H. PUTNAM, 0000
STEVEN E. PUTTHOFF, 0000
JAE S. PYON, 0000
CHAD B. QUAYLE, 0000
MANJO C. QUINTANILLA, 0000
RALPH W. RADKA, 0000
MICHAEL S. RAINEY, 0000
CASEY M. RANDALL, 0000
DYLAN T. RANDAZZO, 0000
FRANCISCO J. RANEROGUZMAN, 0000
CHRISTOPHER C. RANKIN, 0000
BRIAN R. RAUEN, 0000
LYNN W. RAY, 0000
WILLIAM A. RAY, 0000
RYAN L. RAYMOND, 0000
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KENNETH T. REDMAN, 0000
KENNETH J. REED, 0000
SCOTT M. REED, 0000
STANLEY M. REED, SR., 0000
ERIN D. REEDER, 0000
ADAM T. REESE, 0000
JAMES C. REESE, 0000
JUSTIN Y. REESE, 0000
GREG C. REESON, 0000
MICHAEL A. REEVE, 0000
BRIAN J. REGAN, 0000
CHRISTOPHER G. REID, 0000
JARED A. REID, 0000
MONICA M. REID, 0000
RYAN L. REID, 0000
DARIN S. REILING, 0000
NICOLE U. REINHARDT, 0000
JACQUELINE M. REINI, 0000
ANDREW W. REITER, 0000
CHRISTOPHER L. REITSMA, 0000
DANIEL T. REMPFER, 0000
TODD P. RETCHLESS, 0000
MARIO A. REYNA, 0000
SANDRA REYNA, 0000
JOANNA L. REYNOLDS, 0000
PHILIP W. REYNOLDS, 0000
VERONIKA REYNOLDS, 0000

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CHRISTINE H. RICE, 0000
KIMANI J. RICE, 0000
TRINA RICE, 0000
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BRIAN G. RIDLEY, 0000
BRADLEY A. RILEY, 0000
DIRK D. RINGGENBERG, 0000
MICHAEL L. RITTER, 0000
KURT D. RITTERPUSCH, 0000
BENJAMIN RIVERAOTERO, 0000
VINCENT E. RIVERS, 0000
SHANE M. ROBB, 0000
JOANNA G. ROBERTSON, 0000
BILLY A. ROBINSON, JR., 0000
DANNY L. ROBINSON, 0000
ELIZABETH M. ROBINSON, 0000
PERNELL A. ROBINSON, 0000
ROBERT A. ROBINSON II, 0000
CHRISTOPHER J. ROCHELEAU, 0000
ROBERT B. ROCHON, 0000
RANDALL L. ROCKROHR, 0000
WILLIAM A. RODGERS, 0000
RAFAEL A. RODRIGUEZ, 0000
RIDER RODRIGUEZ, JR., 0000
MICHAEL A. ROE, 0000
CHAD M. ROEHRMAN, 0000
ELLIOTT L. ROGERS, 0000
JAMES J. ROGERS, JR., 0000
MATTHEW B. ROGERS, 0000
HECTOR ROMAN, 0000
RAUL ROMERO, 0000
CHRISTINE D. RONEY, 0000
AARON K. ROOF, 0000
ROBERT C. ROOT, 0000
SARA M. ROOT, 0000
CHARLES C. ROSE, 0000
MICHAEL D. ROSE, 0000
EVANGELINE G. ROSEL, 0000
SIDNEY D. ROSENQUIST, 0000
MATTHEW A. ROSS, 0000
ROBERT K. ROSS, 0000
DANIEL T. ROSSI, 0000
ROBERT L. ROSSI, 0000
JOHN C. ROTANTE, 0000
PHILIP G. ROTTENBORN, 0000
JOHN P. ROUB, 0000
TYNICE L. ROUNDTREE, 0000
DAVIDMICHAEL P. ROUX, 0000
CURTIS L. ROWLAND, JR., 0000
ADAM A. RUDY, 0000
DANIEL W. RUECKING, 0000
BRADFORD A. RUFF, 0000
CHRISTOPHER J. RUGA, 0000
ERIC L. RUNNINGEN, 0000
MICHAEL S. RUPPERT, 0000
BRANDON L. RUSSELL, 0000
CHADDRICK L. RUSSELL, 0000
ROY C. SABALBORO, JR., 0000
KATRINA R. SABAN, 0000
JASON M. SABAT, 0000
SCOTT M. SAFER, 0000
DARCY R. SAINTAMANT, 0000
MARILYN SAINTELIN, 0000
ROBIN F. SAIZ, 0000
NATHAN T. SAMMON, 0000
CHRISTOPHER A. SAMPLES, 0000
SCOTT M. SANFORD, 0000
JOHN W. SANNES, 0000
KAREN R. SARAVIA, 0000
ANDREW O. SASLAV, 0000
REGINALD H. SATTERWHITE, 0000
JAY C. SAWYER, 0000
JOHN C. SAWYER II, 0000
DEAN S. SCALETTA, 0000
JAMES N. SCHAFER, 0000
TANYA L. SCHILLING, 0000
BRIAN J. SCHMANSKI, 0000
GLEN E. SCHMELING, 0000
JEFFREY S. SCHMIDT, 0000
RODNEY P. SCHMUCKER, 0000
STEPHEN G. SCHNELL, 0000
BRYAN D. SCHOTT, 0000
JOE M. SCHOTZKO, 0000
CHRISTOPHER L. SCHREINER, 0000
KEVIN J. SCHROCK, 0000
BRADD A. SCHULTZ, 0000
BRYANT L. SCHUMACHER, 0000
ELIZABETH A. SCIOLETTI, 0000
MICHAEL S. SCIOLETTI, 0000
DAVID J. SCOOLER, 0000
DUAYNE M. SCOTT, 0000
JOHN E. SCOTT, 0000
SEAN A. SCOTT, 0000
THOMAS A. SCOTT, 0000
JAMES D. SCROGIN, 0000
RYAN D. SEAGREAVES, 0000
ROBERT C. SEAL, 0000
JOHN R. SEGO, 0000
JOSHUA P. SEGRAVES, 0000
SCOTT B. SEIDEL, 0000
JOHNNY D. SELLERS, JR., 0000
MICHAEL L. SELLERS, JR., 0000
LANCE I. SELLS, 0000
AUBREY D. SEMIEN II, 0000
KEVIN A. SERFASS, 0000
SILAS J. SESSION, 0000
JESSE T. SESSOMS, 0000
DARON L. SETTLES, 0000
MICHAEL G. SHANDS, 0000
MICHAEL S. SHANNON, 0000
BOYD S. SHARP, 0000
MARGARET J. SHARPNACK, 0000
CECILIA P. SHAW, 0000
MICHAEL T. SHAW, 0000
COREY N. SHEA, 0000
BENJAMIN M. SHEEHAN, 0000
JEFFREY A. SHEEHAN, 0000
MICHAEL P. SHEEHAN, 0000
MATTHEW J. SHEIFFER, 0000
WILLIAM C. SHEPHERD, JR., 0000
CHADWICK W. SHIELDS, 0000
JONATHAN A. SHINE, 0000
RICHARD K. SHOWALTER, 0000
BENJAMIN F. SIEBOLD, 0000
THOMAS J. SIEBOLD, 0000
GUZMAN R. SIERRA, 0000
JEFFREY M. SIINO, 0000
BRIAN T. SIMMS, 0000
MICHAEL S. SIMS, 0000
MICHAEL R. SINGLETON, 0000
PETER M. SITTENAUER, 0000
MATTHEW J. SKAGGS, 0000
ROBERT L. SKETCH, 0000
WILLIAM L. SKIMMYHORN, 0000
BRENT O. SKINNER, 0000
RICHARD F. SKULTETY, 0000
ROBERT W. SLEASMAN, 0000
JONATHAN P. SLOAN, 0000
WILLIAM J. SLOCUM, 0000
JOSEPH J. SMAIL, 0000
ACETRION L. SMALLWOOD, 0000
BRIAN L. SMITH, 0000
BRIAN S. SMITH, 0000
CHARLES D. SMITH, 0000
CHRISTOPHER D. SMITH, 0000
CHRISTOPHER M. SMITH, 0000
DALE M. SMITH, JR., 0000
DENNIS A. SMITH, 0000
DONALD P. SMITH, 0000
EDGAR I. SMITH III, 0000
JACQUELINE A. SMITH, 0000
JAY B. SMITH, 0000
JEREMY R. SMITH, 0000
JOHN S. SMITH, 0000
KENNETH E. SMITH, 0000
MARK A. SMITH, 0000
MELVIN K. SMITH, 0000
MICHAEL J. SMITH, 0000
MICHAEL L. SMITH, 0000
NIEL A. SMITH, 0000
RANDALL M. SMITH, 0000
SHAWN D. SMITH, 0000
STEVEN R. SMITH, 0000
THOMAS B. SMITH, 0000
TRACEY E. SMITH, 0000
TRAVIS A. SMITH, 0000
WALLACE N. SMITH, 0000
WILLIAM T. SMITH, 0000
JENNIFER J. SMITHHEYS, 0000
CHRISTOPHER W. SNIPES, 0000
RICHARD D. SNOWDALL, 0000
NEIL N. SNYDER IV, 0000
PAUL H. SNYDER, 0000
BRIAN N. SORENSEN, 0000
BRIAN E. SOUHAN, 0000
GREGORY S. SOULE, 0000
TRAVIS C. SOUTHWICK, 0000
NIKETTE S. SOWELL, 0000
THOMAS W. SPAHR, 0000
PATRICK J. SPAULDING, 0000
BRIAN L. SPEARS, 0000
LYNNA M. SPEIER, 0000
GREGORY D. SPENCER, 0000
GARY J. SPIVEY, 0000
CHRISTOPHER J. SPRINGER, 0000
MARK D. SPUNGIN, 0000
JONATHAN W. SPURLOCK, 0000
MICHAEL T. SQUIRES, 0000
PAUL W. STAEHELI, 0000
JAMES J. STANTON, 0000
BRIAN P. STEELE, 0000
KELLY K. STEELE, 0000
DANIEL J. STEIGER, 0000
SANDRA J. STEINKE, 0000
AVERY E. STEMMONS, 0000
KURT N. STEPHAN, 0000
HUBERT L. STEPHENS, 0000
SHARON STEPHENS, 0000
TONEY R. STEPHENSON, 0000
CECIL A. STEWART, 0000
DAVID J. STEWART, 0000
DONALD E. STEWART, 0000
JAYSON L. STEWART, 0000
RUSSELL C. STEWART, 0000
TYLER J. STEWART, 0000
KEVIN C. STEYER, 0000
SEAN F. STINCHON, 0000
KIM A. STONE, 0000
ROBERT D. STORY, 0000
ALLEN C. STOTTS, 0000
BRADY L. STOUT, 0000
CHAD A. STOVER, 0000
CHERYL L. STRANGE, 0000
JOSHUA U. STRINGER, 0000
SALAMASINALEILANI T. STROKIN, 0000
ERIC N. STROM, 0000
BRIAN K. STUJENSKE, 0000
JOHN D. SUGGS, JR., 0000
STEPHEN A. SUHR, 0000
BRIAN T. SULLIVAN, 0000
JOSEPH A. SULLIVAN, 0000
DARREN A. SUNDYS, 0000
MARK W. SUSNIS, 0000
ANTHONY A. SUZZI, 0000
ROBERT SVOBODA, 0000
JAMES M. SWARTZ, 0000
ERIC R. SWENSON, 0000
MICHAEL J. SWIENTON, 0000
LARRY A. SWINTON, 0000
CHRISTOPHER R. SYBERT, 0000
PATRICK D. SYLVESTRE, 0000
WINSTON A. SYMMES, 0000
ANDREW S. TACKABERRY, 0000
FRED W. TANNER, 0000
JEAN P. TARMAN, 0000
SHANE L. TARRANT, 0000
MATTHEW D. TATMAN, 0000
STEPHEN R. TAUTKUS, 0000
MOMOEVI S. TAWAKE, 0000
JASON L. TAYLOR, 0000
JONATHAN C. TAYLOR, 0000
MARK R. TAYLOR, 0000
RHETT A. TAYLOR, 0000
BRANDON S. TEAGUE, 0000
MATTHEW A. TEMPLEMAN, 0000
SHAWN J. TENACE, 0000
CHERYL A. TENNANT, 0000
TIMOTHY A. TERESE, 0000
CHRISTIAN G. TEUTSCH, 0000
CHERRY S. THAPITH, 0000
JOHN M. THARPE, 0000
CHESLEY D. THIGPEN, 0000
GINA A. THOMAS, 0000
PHILLIP W. THOMAS, 0000
CHARLES R. THOMPSON, 0000
CLETUS R. THOMPSON, 0000
DOUGLAS C. THOMPSON, 0000
HERB L. THOMPSON, 0000
RHETT D. THOMPSON, 0000
SAMUEL C. THOMPSON II, 0000
TODD G. THORNBURG, 0000
JUSTIN L. TICKNOR, 0000
BRIAN P. TIERNEY, 0000
JEFFREY A. TIERNEY, 0000
AARON M. TITKO, 0000
FRANCIS P. TOBIN, 0000
ANTONIO O. TOLBERT, 0000
JAHAN TOLLIVER, 0000
KEVIN R. TONER, 0000
BOBBY R. TOON, 0000
MICHELLE G. TOPE, 0000
ERNEST TORNABELL IV, 0000
STEVEN J. TOTH, 0000
CYNTHIA A. TOVAR, 0000
MAGNO D. TRANSFIGURACION, JR., 0000
JOHN S. TRANSUE, JR., 0000
MICHAEL J. TRIPLETT, 0000
ANNA C. TRUESDALE, 0000
JOHN J. TRYLCH, 0000
JASON A. TUCKER, 0000
RONALD E. TURNAGE, 0000
ANDREW L. TURNER, 0000
DUANE A. TURNER, JR., 0000
STEVEN A. TURNER, 0000
KEVIN L. TURPIN, 0000
EDWARD S. TWADDELL III, 0000
ANTHONY E. TYLER, 0000
MICHAEL K. TYLER, 0000
ANSEL M. TYNDALL II, 0000
JERROLD J. TYQUIENGCO, 0000
THEODORE O. UNBEHAGEN, 0000
SHAWN P. UNDERWOOD, 0000
LAURA C. UPDEGRAFF, 0000
RYAN J. USSERY, 0000
JUAN E. VALLESCARABALLO, 0000
JEFFREY A. VANANTWERP, 0000
ERIC J. VANDEHEY, 0000
ERIC D. VANDEWEG, 0000
JENNIFER R. VANDEWEG, 0000
ERIC A. VANEK, 0000
MARK D. VANGEMERT, 0000
JOHANNAS C. VANLIEROP III, 0000
ZACHARY A. VANN, 0000
JOSE M. VASQUEZ, 0000
JONATHAN M. VELISHKA, 0000
STEPHEN F. VENSOR, 0000
BENEFSHEH D. VERELL, 0000
TONY K. VERENNA, 0000
BRETT J. VERNETTI, 0000
JAMES T. VIBBERT, 0000
ANDREW A. VINCENT, 0000
GREGORY S. VINCIGUERRA, 0000
DEREK M. VINSON, 0000
SCOTT M. VIRGIL, 0000
JOHN F. VOLKMAR, 0000
WAYNE A. VORNHOLT, 0000
JOSH L. WADDY, 0000
TRACY L. WADLE, 0000
IRA A. WAGNER, 0000
MICHAEL P. WAGNER, 0000
MARK P. WAGONER, 0000
JOSEPH C. WALCHKO, 0000
RONALD D. WALCK, 0000
FOY S. WALDEN, 0000
EUGENE M. WALDENFELS, 0000
LELAND W. WALDRUP II, 0000
ANGELA Y. WALKER, 0000
GREGORY H. WALL, 0000
AMY J. WALLACE, 0000
BRIAN L. WALLACE, 0000
EDWARD J. WALLACE, 0000
THANH V. WALLACE, 0000
KURT E. WALLING, 0000
CHRISTOPHER L. WALLS, 0000
MARILYN WALLS, 0000
LISA K. WALSH, 0000
ANTHONY T. WALTERS, 0000
ERIC M. WALTHALL, 0000
EDWARD S. WALTON, 0000
JASON B. WAMSLEY, 0000
BRIAN K. WARD, 0000
SHANNON P. WARD, 0000
SHAWN P. WARD, 0000
WILLIAM J. WARD, 0000
MATTHEW S. WARNER, 0000
BRIAN P. WARNOCK, 0000
CHRISTOPHER A. WASHINGTON, 0000
CHRISTOPHER D. WASHINGTON, 0000

DAVID G. WATSON, 0000
WILLIAM J. WATSON, 0000
LEO J. WAUGH, 0000
MATTHEW W. WEBER, 0000
GARY M. WEHRLE, 0000
JASON WEHRMAN, 0000
JANE J. WEI, 0000
RICHARD E. WEIXELBAUM, 0000
AARON S. WELCH, 0000
BRIAN K. WELCH, 0000
RYAN K. WELCH, 0000
STEVEN B. WELIVER, 0000
RICHARD D. WELLMAN, JR., 0000
GABRIEL D. WELLS, 0000
RANDALL D. WENNER, 0000
EDWIN B. WERKHEISER II, 0000
CHRISTIAN L. WERNER, 0000
MICHAEL R. WEST, 0000
THEODORE S. WEST IV, 0000
JOHN T. WETTACK, 0000
BRIAN L. WEYENBERG, 0000
CHRISTINE G. WHIPKEY, 0000
GARY J. WHIPPLE II, 0000
JOSHUA D. WHITE, 0000
DELRICK C. WHITEHORN, 0000
MARCUS R. WHITFIELD, 0000
CHRISTINE M. WHITMER, 0000
GEOFFREY A. WHITTENBERG, 0000
SCOTT R. WHITTENBURG, 0000
ROBERT S. WHITTINHAM, 0000
BRIAN A. WICKENS, 0000
ANNE M. WIERSGALLA, 0000
JAMES R. WILEY, 0000
ANDREW G. WILHELM, 0000
DAVID C. WILLETTE, 0000
ALFORD A. WILLIAMS, 0000
ANTHONY D. WILLIAMS, 0000
ARCHIE L. WILLIAMS, JR., 0000
DAVID E. WILLIAMS, 0000
DAVID M. WILLIAMS, JR., 0000
EDWIN A. WILLIAMS IV, 0000
GREGORY B. WILLIAMS, 0000
HURCHEL L. WILLIAMS, 0000
JASON T. WILLIAMS, 0000
JAY J. WILLIAMS, 0000
JOHN D. WILLIAMS, 0000
JOHN M. WILLIAMS, 0000
KAREEM M. WILLIAMS, 0000
MARIUS L. WILLIAMS, 0000
ONEAL A. WILLIAMS, JR., 0000
RONALD D. WILLIAMS, JR., 0000
SCOTT L. WILLIAMS, 0000
SEAN P. WILLIAMS, 0000
STEVEN M. WILLIAMS, 0000
THERIL W. WILLIAMS, 0000
TROY A. WILLIAMS, 0000
DEMITRA L. WILLIAMSON, 0000
LETITIA N. WILLIAMSON, 0000
JAMES WILLS, 0000
JAMES T. WILSON, 0000
JOHN M. WILSON, 0000
KEITH W. WILSON, 0000
KIM C. WILSON, 0000
LORI S. WILSON, 0000
DOUGLAS E. WIMER, 0000
JEFFERY E. WINEGAR, 0000
JAMES E. WINLAND, 0000
NATHAN N. WINN, 0000
MATTHEW H. WINTERS, 0000
CHAD D. WISE, 0000
MARIA R. WISE, 0000
BRIAN N. WITCHER, 0000
JEFFREY L. WITHERS II, 0000
CHAD R. WITT, 0000
ADAM N. WOJACK, 0000
PATRICK J. WOLF, 0000
AARON M. WOLFE, 0000
BRIAN P. WOLFORD, 0000
AUDREY S. WOO, 0000
ADLAI B. WOOD, 0000
MICHAEL L. WOOD, 0000
STEVEN A. WOOD, 0000
THOMAS W. WOOD, JR., 0000
JAMES A. WOODS III, 0000
KENNETH E. WOODS, 0000
PAUL M. WOODS, 0000
PATRICK E. WORKMAN, 0000
EARL D. WRIGHT, JR., 0000
JASON P. WRIGHT, 0000
SAFIYYAH S. WRIGHTSIL, 0000
RYAN B. WYLIE, 0000
LEO J. WYSZYNSKI, 0000
JAY D. YANCEY, 0000
JASON A. YANDA, 0000
JAMES R. YASTRZEMSKY, 0000
MICHAEL J. YEAGER, 0000
MATTHEW J. YOST, 0000
CHRISTOPHER M. YOUNG, 0000
PHILIP A. YOUNG, 0000
JENNIFER YUENGER, 0000
WALTER D. ZACHERL, 0000
MARK M. ZAIS, 0000
TIMOTHY M. ZAMORA, 0000
JUAN C. ZAPATA, 0000
TIMOTHY R. ZETTERWALL, 0000
CHARLES W. ZIEGENFUSS, 0000
MARK C. ZIMMERMAN, 0000
SEAN L. ZINN, 0000
GABRIEL J. ZINNI, JR., 0000
STEPHEN H. ZINSER, 0000
MICHAEL A. ZOPFI, 0000
LORI L. ZUBIETA, 0000
ANTHONY E. ZUPANCIC, 0000
X0000
X0000
X0000
X0000
X0000
X0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RAUL RIZZO, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DENNIS K. ANDREWS, 0000
MICHAEL A. BIGELOW, 0000
JEFFREY R. BORNEMANN, 0000
MAURICE A. BUFORD, 0000
STEPHEN S. DUESENBERRY, 0000
WAYNE M. HADDAD, 0000
TIMOTHY R. HALL, 0000
DIANA A. LANTZ, 0000
CHARLES L. LUFF, 0000
GREGORY J. MCCRIMMON, 0000
TIMOTHY R. MOORE, 0000
JOSEPH R. PRIMEAUX, JR., 0000
SAMUEL E. RAVELO, 0000
ROBERT A. SPENCER, 0000
THOMAS J. STATLER, 0000
RAYMOND M. SUMMERLIN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAMES S. BROWN, 0000
ROBERT L. BROWN II, 0000
KAREN R. DALLAS, 0000
DAVID GLOVER, 0000
JIMMY D. HOLLAND, 0000
RAFAELDIONIS MEDINA, 0000
ANTONIO C. TING, 0000
HEATHER J. WALTON, 0000
WINFRED L. WILSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

LILLIAN A. ABUAN, 0000
JASON W. ADAMS, 0000
MONICA AGARWAL, 0000
GERALD G. ALFORD, 0000
JOHN M. ARMSTRONG, 0000
GREGORY BALLENGER, 0000
DEBORAH P. BARNES, 0000
STERLEN D. BARNES, 0000
ROMEO O. BAUTISTA, 0000
GREGORY BENARD, 0000
PAUL R. BENISHEK, 0000
BRYAN J. BOUDREAUX, SR., 0000
STEVEN E. BOYCOURT, 0000
MICHAEL S. CARL, 0000
TRAVIS P. COLLERAN, 0000
DAVID B. COOK, 0000
JAYSON L. CRAMER, 0000
MICHAEL W. DAVIDSON, 0000
JEFFREY P. DAVIS, 0000
PHILLIP L. DEBOE, 0000
ARCANGELO P. DELLANNO, 0000
PAUL W. DEMEYER, 0000
PHILIP A. DIANA, 0000
MARTIN L. EDMONDS, 0000
MATTHEW R. ELLIS, 0000
JASON W. ENDRESS, 0000
DAVID P. FRIEDLER, 0000
ROBERT C. GIBBS, 0000
CARLOS A. GOMEZ, JR., 0000
EUGENE E. GRIFFITH, 0000
MICHAEL S. GUILFORD, 0000
JOHN H. HAMILTON IV, 0000
GEORFFREY D. HOLLY, 0000
BRIAN M. JOHNSON, 0000
FRANK JOHNSON, 0000
SEBRINA C. JOHNSON, 0000
MARY E. KESSLER, 0000
RYAN S. KIGHT, 0000
CHRISTOPHER T. KOVACK, 0000
ANDREW G. KREMER, 0000
MICHAEL D. KRISMAN, 0000
ANDREW J. LEWIS, 0000
RYAN LOOKABILL, 0000
MICHAEL A. MARQUEZ, 0000
BRIAN W. MAXWELL, 0000
JEFFREY S. MILLS, 0000
ERNUEL MIRANDAROSARIO, 0000
GREGORY P. MITCHELL, 0000
JOHN G. MONTINOLA, 0000
WALTER B. MOWERY, 0000
ERIK R. NALEY, 0000
ERNAN S. OBELLOS, 0000
VICTOR D. OLIVER, 0000
JAMES D. OSBORNE, 0000
ROBERT B. OVERTURF, 0000
JEREMY C. POWELL, 0000
ANDRE T. SADOWSKI, 0000
BRETT E. SANDMAN, 0000
GLENN A. SOUTHERN, 0000
JOSEPH B. SYMMES, JR., 0000
MARTIN C. THOMAS, 0000
SHAWN M. TRIGGS, 0000
ROGELIO P. VALENCIA II, 0000
JAMES E. WALTERS, JR., 0000
JASON C. WARNER, 0000
MICHELLE M. WILLIAMS, 0000
KEVIN T. WRIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ANDREAS C. ALFER, 0000
NICOLAS ARRETCHE, 0000
RANDY E. ASHMAN, 0000
VICTOR H. AULD, JR., 0000
LUCELINA L. BADURA, 0000
ARNEL J. BARBA, 0000
ROBERT S. BARRETT, 0000
STACY L. BARTON, 0000
HARRIETT S. BATES, 0000
JESSICA D. BEARD, 0000
SHELLY A. BECK, 0000
KIMBERLY L. BELL, 0000
DENNIS A. BENFIELD, JR., 0000
LAURA A. BENNETT, 0000
RHONDA L. BENNETT, 0000
CHERIE L. BLANK, 0000
SUSANNE E. BLANKENBAKER, 0000
ERNEST S. BOST, 0000
VINCENT BOURGEOIS, 0000
CHRISTOPHER L. BOYD, 0000
DEBORAH L. BOYLAN, 0000
JOHANNA M. BRENNER, 0000
WILLIAM H. BROOKS, 0000
CHAWN T. BROWN, 0000
KATHERINE J. BROWN, 0000
MARK J. BROWNFIELD, 0000
CLARENCE A. BURKETT, JR., 0000
JENNY S. BURKETT, 0000
WILLIAM S. BYERS, 0000
SANTIAGO B. CAMANO, 0000
RAYMOND L. CAMP, 0000
BRIAN R. CARION, 0000
BRIAN E. CARMAN, 0000
MICHELLE N. CARR, 0000
CHARLES L. CATHER, 0000
ANNA M. CHRISTENSEN, 0000
JASEN P. CHRISTENSEN, 0000
DANIEL W. CLARK, 0000
NICHLAS W. COLLINGWOOD, 0000
JULIE A. CONRARDY, 0000
SEAN P. CONVOY, 0000
LORIE A. T. CONZA, 0000
WENDY A. COOK, 0000
PATRICIA L. CRELLER, 0000
CHRISTOPHER R. CRERAR, 0000
DANIEL A. DAURORA, 0000
MARK D. DAY, 0000
BRYAN K. DEHNER, 0000
LUPO V. P. DELACRUZ, 0000
JOSEPH L. DESAMERO, 0000
ANDREA M. DESANTO, 0000
VICTOR M. DIAZ, 0000
BARBARA F. DITTRICH, 0000
MELISSA M. DOOLEY, 0000
AMY L. DRAYTON, 0000
JASON B. ELLIS, 0000
ROZETHA L. ELLIS, 0000
EDESSA V. ELOMINA, 0000
TRACY L. FAHEY, 0000
RONALD A. FANCHER, 0000
MARGARITA D. FARIAS, 0000
EARL D. FILLMORE, 0000
MIKE T. FINCKBONE, 0000
JEFFREY M. FOXX, 0000
LELAND J. FRATACCIA, 0000
MICHELLE A. FRENCH, 0000
MARIA P. FUENTEBELLA, 0000
ELIZABETH W. FURAY, 0000
TONIE E. GASKIN, 0000
JUSTINE GILBERT, 0000
BRADLEE E. GOECKNER, 0000
JOSEPH A. GOMEZ, 0000
MARC S. GOOD, 0000
WALDEMAR M. GOULET, JR., 0000
MATTHEW J. GRASER, 0000
KAREN M. GRAY, 0000
ERIC C. GRYN, 0000
KEVIN J. GUE, 0000
STEPHEN L. GUIDRY, 0000
MARSHA A. HANLY, 0000
MELINDA K. HENDERSON, 0000
PAMELA L. HERBIG, 0000
GERALDINE M. HOLDEN, 0000
KENNETH L. HOPKINS, 0000
SHARON L. HOUSE, 0000
KIMBERLY K. HOWARD, 0000
MICHAEL D. HOWE, 0000
BOBBY J. HURT, 0000
TAMMY K. JANSEN, 0000
MARIA C. JOHNSON, 0000
SARA J. JOHNSON, 0000
LEANNA M. KARG, 0000
SHAWN B. KASE, 0000
MARIE J. KELLEY, 0000
JOHN A. KING, 0000
SHAUNA R. KINGANDERSON, 0000
CAMELLIA G. KOZLOSKI, 0000
ANTHONY E. KUCIA, 0000
CHRISTA L. KUEHLER, 0000
KATHRYN J. LACHER, 0000
SHERRI L. LANEJOHNSON, 0000
MARK R. LANG, 0000
KIM P. LAVELLE, 0000
RICHARD B. LAWRENCE, 0000
JASON D. LAYTON, 0000

RACHEL M. LEWIS, 0000
CHARLOTTE M. LISSL, 0000
ANGELO P. LUCERO, 0000
NOEL B. LYNN, 0000
ABIGAIL E. MARTER, 0000
FRANCES A. MARTIN, 0000
RONALD MATA, 0000
JANE E. MCCOLLUM, 0000
JASON M. MCGUIRE, 0000
JENNIFER K. MCKINNEY, 0000
LAURA L. MCMULLEN, 0000
FREDORA A. MCRAE, 0000
JENNIFER A. MILLS, 0000
MARIA C. MILLSAP, 0000
EDNA E. MOORE, 0000
ESTHER G. MORRIS, 0000
KELLY J. MURRAY, 0000
MICHAEL P. MURRAY, 0000
GINO S. NARTE, 0000
RYAN L. NATIONS, 0000
CHRISTOPHER P. NILES, 0000
DAVID W. NOLAND, 0000
AMY L. NOYES, 0000
SALEE J. P. OBOZA, 0000
PAUL B. OFCHARIK, 0000
RONNIE G. OKIALDA, 0000
LEONARD Q. OLIVER, 0000
THOMAS OLIVERO, 0000
CHRISTINE C. PALARCA, 0000
ERIC H. PALMER, 0000
MARY K. PARKER, 0000
ZOE A. PEEK, 0000
ANTHONY W. PRIDEMORE, 0000
ROBERT B. PROPES, 0000
LARA A. RHODES, 0000
DESIREE RICHARDSON, 0000
JAMES M. ROBERTSON, 0000
LISA M. SAAR, 0000
RICHARD SALSBURY, 0000
LADONNA M. SAMPSON, 0000
ANDREW SANDERS, 0000
SONDRA M. SANTANA, 0000
APRIL SCHEUNEMANN, 0000
ROBERT K. SEIGEL, 0000
SARA E. SHAFFER, 0000
PATRICK S. SHUSTER, 0000
PATTI SKINNER, 0000
LISA M. SNYDER, 0000
MICHELLE SNYDER, 0000
DARRYL B. SOL, 0000
TIMOTHY K. STACKS, 0000
ANGELA Y. STANLEY, 0000
ROBERT A. STROBL, 0000
BROOKIE C. TARTAGLIA, 0000
LAURA A. TAYLOR, 0000
JOANNE B. VANHORN, 0000
CRAIG T. VASS, 0000
LYNN D. VAUGHN, JR., 0000
PAUL S. VILLAIRE, 0000
DANTE J. VILLECCO, 0000
ELIZABETH G. VOGELROGERS, 0000
PHILIP D. VOYER, 0000
MICHELE A. WAARA, 0000
JEANETTE C. WALKER, 0000
PHYLLIS C. WALLS, 0000
WENDY E. WALSH, 0000
TOMMY L. WARD, 0000
GERARD J. WHITE, 0000
KENNETH A. WOFFORD, 0000
FRANCISCO I. WONPAT, 0000
HEATHER G. WYCKOFF, 0000
ZARADHE M. S. YACH, 0000
ALISON E. YERKEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL J. ADAMS, 0000
KELLY J. ARMSTRONG, 0000
AUBREY I. BOBBSEMPLE, JR., 0000
HUGH BURKE, 0000
JAMES H. BURNS, 0000
BOYD A. ELLIS, 0000
NELL O. EVANS, 0000
JOHN E. FRAJMAN II, 0000
KEVIN B. GERRITY, 0000
HEATHER M. GHIRARDI, 0000
VANESSA C. HOPGOOD, 0000
THOMAS J. JONES, 0000
JOSEPH B. JUDKINS, 0000
COLIN A. KISOR, 0000
AMY K. LARSON, 0000
JAMES L. MARSH, 0000
DAVID A. NORKIN, 0000
DAVID L. ODOWD, 0000
JESSICA M. PYBURN, 0000
KRISTINA B. REEVES, 0000
DAVIN E. RIEKE, 0000
MARC S. ROSEN, 0000
KENNETH R. SHOOK, 0000
JONATHAN T. STEPHENS, 0000
JEFFREY A. SUTTON, 0000
PAUL A. WALKER, 0000
HEATHER A. WATTS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

EMILY Z. ALLEN, 0000
ROBERTO M. ALVARADO, 0000
JEFFREY L. BENJAMIN, 0000
OSCAR BERNAL, 0000
JAY A. BIESZKE, 0000
THOMAS S. BLANCHARD, 0000
JEFFREY D. BRANCHEAU, 0000
JAMES E. BROWN, 0000
BRIAN L. BROWNING, 0000
JAMES R. CAPPELMANN, 0000
LENN E. CARON, 0000
JAY M. CAVNAR, 0000
PAUL C. CHAN, 0000
JAMES J. H. CHO, 0000
MICHAEL W. CHUCRAN, 0000
MICHAEL A. COMSTOCK, 0000
JAMES T. CORDIA, 0000
JAMES P. CROWE, 0000
KENNETH L. CULBREATH, 0000
SEAN P. DALTON, 0000
ANTHONY J. DAPP, 0000
MIGUEL DIEGUEZ, 0000
GARY W. DOSS, 0000
JAMES D. EKBERG, 0000
RICHARD A. FICARELLI, 0000
LANCE M. FLOOD, 0000
ANA I. FRANCO, 0000
RANDALL E. HARMEYER, 0000
JULIE A. HRDLICKA, 0000
ALEXANDER K. HUTCHISON, 0000
RONALD J. JENKINS, 0000
CHAD C. KOSTER, 0000
JASON G. KRANZ, 0000
PHILLIP M. LAVALLEE, 0000
CHAD O. LORENZANA, 0000
GERALD C. LOWE, 0000
THOMAS J. LYONS III, 0000
THOMAS B. MCLEMORE, 0000
RAFAEL A. MIRANDA, 0000
MICHAEL P. ODONNELL, 0000
JOSEPH C. POPE, 0000
JEFFREY W. SHERWOOD, 0000
FRANCIS J. STAVISH, 0000
KAREN A. STRANGE, 0000
JENNIFER L. TETATZIN, 0000
ROBERT G. TETREAULT, 0000
MARK I. TIPTON, 0000
DUDE L. UNDERWOOD, 0000
JOEL W. VANESSEN, 0000
TIMOTHY A. WALLACE, 0000
NEIL E. WEST, 0000
JOSEPH W. YATES, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KAREN L. ALEXANDER, 0000
ALAN J. ALFONSO, 0000
JEFFREY D. ALTON, 0000
MARIA D. ALVAREZ, 0000
ROBERT AMBACH, 0000
DARRYL P. ARFSTEN, 0000
LUIS ASQUERI, 0000
JAMES A. BALCIUS, 0000
ERIC H. BARNES, 0000
MICHAEL R. BENSCH, 0000
AMBER D. BILES, 0000
RANDY K. BILLS, JR., 0000
KATHLEEN M. BLAKEY, 0000
GORDON R. BLIGHTON, 0000
ANDREW J. BOBB, 0000
LISA K. BOGAN, 0000
BRIAN L. BOHRER, 0000
MATTHEW F. BOUMA, 0000
TAYLOR BOWLES, JR., 0000
JONATHAN J. BRADSHAW, 0000
JORI S. BRAJER, 0000
DAVID B. BRENNER, 0000
KENDRICK J. BROWN, 0000
SHAWN J. BRUNELLE, 0000
ROGER L. BUNCH, 0000
THOMAS F. BURKE III, 0000
JAMES P. BURRILL, 0000
STEPHEN A. CHAPMAN, 0000
BONNIE R. CHAVEZ, 0000
SERGIO CHAVEZ, 0000
ALAN B. CHRISTIAN, 0000
ELIZABETH N. COLINA, 0000
JEFFREY H. COOK, 0000
SCOTT D. COON, 0000
JAMES E. COWAN, 0000
JASON B. DARBY, 0000
PHILIP J. DAUERNHEIM, 0000
PHILLIP D. DAVIS, 0000
TODD P. DAVIS, 0000
THOMAS J. DERNBACH, 0000
NICK A. DIMASO, 0000
SCOTT E. DUNN, 0000
DOUGLAS L. FAISON, 0000
ELIZABETH J. FIORINI, 0000
DANIEL R. FLORES, 0000
ROBERT E. FRANKS, 0000
ANDREA FULLER, 0000
BONNIE S. S. GARBUTT, 0000
CLARO V. GARCIA, 0000
SHANNA L. GARCIA, 0000
ELLIS C. GAYLES, JR., 0000
BRIAN E. GODINES, 0000
SARAH B. GOLDMAN, 0000
MARY C. GRAVESHAREWOOD, 0000
SCOTT L. GREENSTEIN, 0000
KIMBERLY K. GULLICKSON, 0000
PETER J. GUNTHER, 0000
DAVID K. HAN, 0000
DAWN M. HARDIN, 0000
AARON J. HARDING, 0000
JEFFREY A. HAYWORTH, 0000
ROBERT P. HIGGINS, 0000
GENAIA T. HILL, 0000
ROBERT J. HINES, 0000
ANDREW C. HOBURG, 0000
KRISTIN R. HODAPP, 0000
PETER O. IM, 0000
JOHN W. INGERSOLL, 0000
CARY J. ISAACSON, 0000
BRIAN D. IVESON, 0000
DAVID M. JACKSON, 0000
COREY R. JENKINS, 0000
LESLIE A. KINDLING, 0000
JEFFREY J. KLINGER, 0000
BRADLEY C. KLUEGEL, 0000
CAINE M. KRAS, 0000
ERIC D. LACROSS, 0000
JOSEPH E. LAMOUREUX, JR., 0000
ALLEN A. LEE, 0000
PERRY J. LEONARD, 0000
JAMES C. LINHOFF, 0000
COREY J. LITTEL, 0000
SHELTON L. LYONS II, 0000
LORENA N. MARSHALL, 0000
ANDREW L. MARTIN, 0000
GREGORY T. MARTY, 0000
ALVIN D. MCCUISTON, 0000
JASON D. MCMILLEN, 0000
AARON R. MOORE, 0000
ROSLYN B. NIEVES, 0000
SCOTT W. NORTON, 0000
PETER J. OBENAUER, 0000
OLAITAN F. OJO, 0000
JOSEPH P. PALUMBO II, 0000
ANTHONY D. PAPP, 0000
MARIE I. PARRY, 0000
DARON K. PATTON, 0000
INGRID L. B. PAULI, 0000
BRIAN L. PETRY, 0000
HENRY L. PHILLIPS IV, 0000
JOSEPH E. PIANSAY, 0000
MATTHEW R. PICERNO, 0000
THOMAS J. PINER, 0000
GINO L. RICE, 0000
ROSE E. RICE, 0000
VERNON R. RICHMOND, 0000
CHERYL C. RINGER, 0000
MICHAEL J. ROTH, 0000
JAMES L. RUEFF III, 0000
ARLENE R. SAITZYK, 0000
PAUL S. SCHIERMEIER, 0000
SPENCER T. SCHOEN, 0000
BENJAMIN J. SCHWARTZ, 0000
GAIL M. SEAMAN, 0000
KATHARINE K. SHOBE, 0000
KARLA M. SLATER, 0000
JEFFREY D. STANCIL, 0000
MICHAEL E. STEVENS, JR., 0000
MICHAEL G. STOCKELMAN, 0000
CRAIG A. STOOPS, 0000
MICHAEL L. SUNMAN, 0000
TODD J. TETREAULT, 0000
TIMOTHY T. THOMPSON, 0000
CAYETANO S. THORNTON, 0000
ROMEO T. TIZON, JR., 0000
SHERRY W. WANGWHITE, 0000
ERIC R. WELSH, 0000
PHILIP K. WESSEL, 0000
FRANCINE M. WORTHINGTON, 0000
MICHAEL A. YONKERS, 0000
SHONEE L. K. YONKERS, 0000
DEBRA R. ZEVALLOS, 0000
JOHN W. ZUMWALT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ALEXANDER T. ABESS, 0000
MARY A. AIKEN, 0000
MAKINI S. AINSWORTH, 0000
ZACHARY M. ALEXANDER, 0000
ABIGAIL H. ALLARD, 0000
GLENN S. ANDREWS, 0000
RAMY F. AYAD, 0000
TIMOTHY F. AYERS, 0000
THOMAS M. BALDWIN, 0000
DAVID A. BARROWS, 0000
MATTHEW C. BAYES, 0000
ADAR T. BERGHOFF, 0000
ALEXANDER S. BERK, 0000
REBECCA G. BERKE, 0000
STEVEN D. BERNAL, 0000
DAVID A. BESACHIO, 0000
JONATHAN BESCHLOSS, 0000
KENNETH O. BONAPARTE, 0000
JASON J. BOSCO, 0000
TARA L. BRANTON, 0000
JASON D. BRAYLEY, 0000
SEAN P. BREEN, 0000
JILL E. BROWN, 0000
KAREN E. BULLOCK, 0000
JENNIFER K. BURKE, 0000
NATALIE J. BURMAN, 0000
JENNIFER F. CAMPENOT, 0000
JOSEPH R. CARNEY, 0000
LEO A. CARNEY, 0000
CASSANDRA L. CARR, 0000
GIOVANNI CATALANO, 0000
CHRISTOPHER D. CHANDLER, 0000
JERRY W. CHANDLER II, 0000
JEFFREY C. CHAO, 0000
KENNY K. CHOI, 0000
PEARL E. CHRISTIE, 0000
ANDREW W. CHUNG, 0000
THOMAS L. CHUNG, 0000
LOUIS C. CIMORELLI, 0000
RICHARD T. CLARK, 0000
HUGH F. COLVIN, JR., 0000
JOHN M. COREY, 0000

CYNTHIA R. CORONA, 0000
CHRISTIAN H. CORWIN, 0000
KAREN R. CRAIG, 0000
MEGHAN J. CREGAN, 0000
KENDALL A. CRUTCHER, 0000
DAVID M. CUNNINGHAM, 0000
JANINE R. DANKO, 0000
WILLIAM J. DAVILA, 0000
TIMOTHY J. DEVINE, 0000
PAUL J. DIBBLE, 0000
BRIAN S. DRUMMOND, 0000
JOHN D. DUERDEN, 0000
ERIN E. DUFFY, 0000
DAVID A. DUNCAN, 0000
JOSEPH J. EHLE, 0000
CHRISTOPHER S. ENNEN, 0000
JULIANNE FALLERONI, 0000
TIMOTHY J. FORTUNA, 0000
JEFFREY L. GAFNER, 0000
THOMAS Q. GALLAGHER, 0000
HAROLD J. GELFAND, 0000
JOSEPHINE S. GENESE, 0000
JON C. GIACOMAN, 0000
CHRISTOPHER E. GIBB, 0000
ELISA M. GIRARD, 0000
JASON L. GLASS, 0000
DAVID J. GOLDSTEIN, 0000
ISAAC GOODING, 0000
GEORGIA A. GRAY, 0000
JOY A. GREER, 0000
JULIA J. GRIGGS, 0000
ERICA S. GROGAN, 0000
MIGUEL A. GUTIERREZ, 0000
ROBERT J. HACKWORTH, 0000
CARRIE A. H. HALL, 0000
TROY J. HANDOJO, 0000
BRENNAN R. HARDING, 0000
RYAN J. HARRIS, 0000
JOSHUA M. HARRISON, 0000
NATHAN C. HAWKES, 0000
BRADLEY W. HEFFNER, 0000
HASAN A. HOBBS, 0000
SCOTT D. HODGE, 0000
ARLENE J. HUDSON, 0000
JESSE J. IRWIN, 0000
DAVID C. JANNOTTA, 0000
CHRISTOPHER S. JOAS, 0000
AHMIK L. JONES, 0000
CHARLENE V. KAKIMOTO, 0000
MICHEL J. KEARNS, 0000
JOANNE P. KEENAN, 0000
ANTHONY W. KELLER, 0000
ROLAND S. KENT, 0000
TONYA T. KOLKOW, 0000
AVERY L. KONG, 0000
ERIK J. KOPPANG, 0000
LEO T. KROONEN, 0000
CORRY J. KUCIK, 0000
ELIZABETH A. KUHLS, 0000
RYAN D. LAMOND, 0000
DANIEL L. LANDRY, 0000
GREGORY W. LAU, 0000
VICKY L. LAZANSKY, 0000
FERNANDO F. LEYVA, 0000
BRENT D. LIBBY, 0000
ROBERT A. LIOTTA, 0000
MOLLY A. LIPKE, 0000
MICHELLE F. LIU, 0000
STEVEN R. MAIER, 0000
SANDEEP S. MANGALMURTI, 0000
DEBRA A. MANNING, 0000
STEPHEN J. MANNINO, 0000
CHAD Y. MAO, 0000
CHRISTOPHER J. MAPLES, 0000
MATTHEW J. MARCUSON, 0000
JEFFREY S. MARTENS, 0000
JOSEPH S. MCMONAGLE, 0000
GREGORY S. MCNABB, 0000
VANESSA W. MCNAIR, 0000
MARK R. MIKOLS, 0000
DOUG R. MILLER, 0000
ALEX R. MINTER, 0000
CHRISTOPHER J. NEAL, 0000
STEVEN A. NEWMAN, 0000
JOSEPH R. NICOLINI, 0000
JAMES T. NORRIS, JR., 0000
BRIAN G. NORWOOD, 0000
PATTY D. B. NULL, 0000
ERIC J. OLSON, 0000
MICHAEL J. ORAS, 0000
TAWAKALITU O. OSENI, 0000
PHILIP D. PARKS II, 0000
JOHN D. PASZEK, 0000
GREGORY A. PATE, 0000
TIMOTHY W. PATTISON, 0000
JOSEPH R. PAYNE, 0000
JOHN A. PAYTON, 0000
WILLIAM S. PETERSON, 0000
JULIO PETILON, 0000
LEONARD E. PHILO, 0000
GERALD W. PLATT, 0000
TRAVIS M. POLK, 0000
ROBERT D. POST, 0000
BRYAN D. PROPES, 0000
GREGORY A. RACZNIAK, 0000
MARK D. RASMUSSEN, 0000
TIMOTHY J. REDDEN, 0000
CAROLYN A. REIMANN, 0000
WILLIAM D. RICHARDSON, 0000
KRISTIE A. ROBSON, 0000
CORBY D. ROPP, 0000
LESLEY S. ROSS, 0000
SHERRI L. RUDINSKY, 0000
VICTOR L. RUTERBUSCH, 0000
STEPHEN G. SALZBRENNER, 0000
DOMENIC SCALAMOGNA, 0000
JOEL M. SCHOFER, 0000
WENDY E. SCHOFER, 0000
JASON W. SCHROEDER, 0000
HEATHER H. SCHULZ, 0000
CHRISTOPHER B. SCUDERI, 0000
BRIAN C. SCULL, 0000
PETER J. SEBENY, 0000
JOHN H. SEOK, 0000
BRADLEY A. SERWER, 0000
DAVID K. SHELLINGTON, 0000
WILLIAM W. SHIELDS, 0000
MARK C. SHOEMAKER, 0000
AMY C. SHORT, 0000
JESSICA M. SHORT, 0000
JEFFREY W. SINGLEY, 0000
HAROLD A. SLOAS, 0000
OLGA M. SMITH, 0000
ROBERT L. SMITS, 0000
CARLA L. SOLER, 0000
LEAH K. SOLEY, 0000
ANNA M. SOLUM, 0000
JESSICA C. SOUTHER, 0000
SCOTT A. SPARKS, 0000
SAMUEL L. STEELE, 0000
STEPHAN L. STEFFENSEN II, 0000
TROY R. STILES, 0000
GERALD R. STROUD, 0000
SEAN P. STROUP, 0000
MICHAEL A. SULLIVAN, 0000
ROZALES A. SWANSON, 0000
WILLIAM T. SWART, 0000
MATTHEW J. SWIBER, 0000
STEPHEN S. TANTAMA, 0000
JAYSON T. TAPPAN, 0000
CHRISTOPHER R. TATRO, 0000
WINSTON D. TAVEE, 0000
JESSICA A. TAYLOR, 0000
ELIZABETH K. THOMAS, 0000
SCOTT S. THOMPSON, 0000
DRAKE H. TILLEY, 0000
STEPHEN A. TSCHINKEL, 0000
MATTHEW R. TULIS, 0000
SAMUEL D. TURNER, 0000
DON N. UDALL, 0000
SARAH L. VANDERPOL, 0000
RAJAT VARMA, 0000
ANTHONY L. VELASQUEZ, 0000
ERIC J. VENN, 0000
JOHN C. VENTURA, 0000
ERIK P. VOOGD, 0000
LEIAH T. WALROD, 0000
RUSTIN C. WALTERS, 0000
NANCY M. WARNER, 0000
DIRK A. WARREN, 0000
MICHAEL J. WATSON, 0000
JOHN B. WEATHERWAX, 0000
BRUCE J. WEBB, 0000
SCOTT J. WENGER, 0000
SHARESE M. WHITE, 0000
MICHAEL E. WILLIAMS, 0000
WENDY S. WONG, 0000
MARK L. WOODBRIDGE, 0000
KAREN L. WU, 0000
KEITH J. YABLONICKY, 0000
WESLEY O. YEACKLE, 0000
LAURETTA A. ZIAJKO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHAD E. BETZ, 0000
DEBORAH R. BLANCHARD, 0000
ROBERT P. BOLTON, 0000
TROY W. BROOKS, 0000
HARRY R. COLE, JR., 0000
BASSIL S. CUFFY, 0000
ANGELA M. DELLISANTI, 0000
BRIAN L. EVANS, 0000
BRADLEY M. FARROW, 0000
CHRISTOPHER M. HAMLIN, 0000
RASHA HANNA, 0000
JOHN B. HOYOS, 0000
QIZHI HU, 0000
BRIAN K. HUTTO, 0000
RYAN M. JACK, 0000
GERALD F. JOHNSON, 0000
JAMES H. MACDOWELL, 0000
JUDITH A. MCDONNELL, 0000
MATTHEW B. B. MILLER, 0000
ROBERT H. MINER, 0000
JOSEPH E. MORNEAU, 0000
ANGELA J. MUMM, 0000
JORGE PELAEZ, 0000
DEMETRIOS PETROPOULOS, 0000
ALEXANDER ROYZENBLAT, 0000
MICHAEL E. RUDMANN, 0000
NICHOLAS SHUMAKER, 0000
SENNAY M. STEFANOS, 0000
JAMES M. THOMPSON, JR., 0000
NESS H. VAN, 0000
HOI S. WONG, 0000
SABINA S. YUN, 0000
TRACIE M. ZIELINSKI, 0000