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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

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

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

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

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

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

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

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

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

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

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

ANNIVERSARY OF SEPTEMBER 11, 2001

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

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

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

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

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

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

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

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

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

On that day, the United States and the world will embark on a future of

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

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fear and violence unlike what we have ever seen. It will be a black day for freedom and democracy. It would embolden and encourage every religious extremist and other enemies of the United States.

Letting our guard down is not a choice. It is an invitation to disaster. The alternative to naysayers is to continue our efforts. America must support the democratic governments in Iraq and elsewhere in their efforts to disarm militias and deter regional countries from undermining security there. We can't allow a minority of criminal extremists to intimidate Iraqi citizens.

While some talk of giving up the fight in the central front on the war on terror, others leak sensitive details of legal classified intelligence programs to the media to further their political agendas. We have seen our most important intelligence-gathering methods splashed across the front pages of our newspapers for the world, including our enemies, to see. Leaks expose our methods of apprehending the enemy and erode the confidence of our allies.

Over the past year, there has arisen an apparent absence of fear of punishment in regard to the arbitrary divulging of highly classified information. That needs to change. Each of these leaks gravely threatens our national security and makes it easier for our enemies to achieve their murderous and destructive plans.

The critics of this administration and our efforts to go after the enemies fail to understand the nature of our enemies, but they understand politics. I am afraid politics is what is driving some of our friends on the other side.

In the Intelligence Committee, the Democrats decided in 2003 they could prove that the administration misled the people of America, misused intelligence, and pressured the intelligence-gathering activities. We had 2 years of discussion and debate and thorough review. We concluded, the Intelligence Committee, as did the Silverman-Robb Commission and others that there was no pressure, that there was no misuse of intelligence. In fact, the intelligence was bad. But some continue to hold that view, even though the facts do not support those conclusions.

This is a long, hard battle. The people are being challenged and tested. Many are weary of war. My Democratic colleagues want to play on the weary public, trying to convince them if the United States withdraws from the rest of the world, our enemies will leave us alone. They are tougher on our Secretary of Defense than they are on the enemy. They spent a whole lot of time on Wednesday talking not about how to defeat terrorists in Iraq and elsewhere, rather, how to bring down the Secretary of Defense. Thankfully, the President and the Secretary know the truth; that is, that our enemy will not stop, and any sign of weakness on America's part will be exploited fully.

Throwing in the towel on the war on terror is not an option. But the Democrats—some—would have us believe that. Iraq's Ambassador to the United States said recently:

> Plan B—abandoning the region to the religious fanatics and Baathist terrorists—is nothing but a definition of defeat dressed up to look like a vision for the future.

He continues:

> A retreat on Iraq would encourage all the enemies of the United States—and they are many—to be bolder and more ready to challenge its interests everywhere. A radicalized, totalitarian, fragmented Iraq, sitting on a lake of oil, would become the center of a new and dangerous bloc threatening the United States and world peace.
>
> Not only would abandoning Iraq to its fate now be irresponsible, it would almost certainly lead to disintegration and dictatorship, with a high risk of a wide regional conflict—a catastrophe for not just Iraq but also for the United States and for world peace.

The Iraqis understand what is at stake. The administration understands what is at stake. Those on this side of the aisle do, but, unfortunately, some in the minority do not. For political reasons, they will not acknowledge the reality.

So we may expect to see they will continue to play the war on terror as a political game. This is not the first time, for sure. They have long argued for a cut-and-run strategy and have blocked our efforts time and again to fight this war. The minority voiced opposition to the NSA surveillance program. They blocked reauthorization of the PATRIOT Act for months, with the minority leader proudly boasting, ''We killed the PATRIOT Act.''

Sadly, the political games will continue at least until November. But the war on terror against radical Islam will last for generations. The choices we make today will shape the world we live in, the world our children live in.

Republicans have worked to make America safer. Action by the President and the Republican Congress, through the use of military intelligence and law enforcement resources, has led to the capture of many of al-Qaida's top leaders and degraded the capabilities of a terror network.

More needs to be done, both here at home and abroad. Accomplishment will take resolve and determination and a long-term commitment, not abandoning our efforts at the first sign of hardship.

As I said at the beginning, the passengers of United Flight 93 banded together, fought back, and died to save countless lives in a simple, selfless act of determination. It is that kind of determination that will serve us well as we confront the challenges ahead.

I ask unanimous consent that the statement of Iraqi Ambassador Samir Sumaidaie be printed in the RECORD after my remarks.

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

WHAT IRAQ NEEDS

(By Samir Sumaidaie)

AUGUST 28, 2006.—As the debate on Iraq rages on, more and more American voices call for throwing in the towel and leaving the mess to the Iraqis to sort out.

The controversy over the decision by the United States to remove the Saddam Hussein regime should not prevent an honest assessment of the situation in Iraq today. That the post-Hussein period was not well managed is now widely acknowledged. But we are where we are, and there is a future for all our children to secure. Plan B—abandoning the region to religious fanatics and Baathist terrorists—is nothing but a declaration of defeat dressed up to look like a vision for the future.

Our enemies' strategy has never changed: creating mayhem and making Iraq ungovernable, thereby driving the Americans and their allies out, and installing a Saddam Hussein look-alike to ''make peace.'' In pursuing this strategy, they have forged many alliances and changed course and tactics many times.

Just as they have kept to their strategy and adapted, we should do the same. In this context, staying the course must mean adapting our approach while still standing firm for democracy and for a new vision for the country and the region. If we abandon our effort, our enemies win by default.

Those in the new government and leaders of civil society in Iraq are putting their lives on the line every day to advance a democratic society. And it is this that our enemies are most afraid of—not U.S. forces but a real democracy in the Middle East that would showcase human rights, women in politics and the rule of law. And they fear that this worst-case scenario could prove to be contagious.

What has made the last three years hugely more difficult and complicated is the fact that we all underestimated the determination of our opponents—and some of our neighbors—to undermine this new project. In the context of a global confrontation, this has pitched our fledgling democracy onto the front line of a monumental struggle. It is these outside forces, allied with Saddamists, other terrorists and regular criminals, that threaten to overwhelm us.

A retreat on Iraq would encourage all the enemies of the United States—and they are many—to be bolder and readier to challenge its interests everywhere. A radicalized, totalitarian, fragmented Iraq, sitting on a lake of oil, would become the center of a new and dangerous bloc threatening the United States and world peace.

Some argue that the very presence of the foreign forces is a source of tension and that their departure would remove a prime source of violence. This claim is without merit. Consider precisely who is ready to fight to drive foreign forces out: It is only the Saddamists and the religious extremists (al Qaeda and the like). If U.S. forces are in fact withdrawn, these people will consider it a victory and go on fighting even harder to achieve control over the country.

The majority of Iraqis may be irritated by the presence of foreign forces, but most realize that a premature withdrawal would create hideous problems for the country. This majority includes Sunnis as well as Shiites and Kurds.

The real question is: What to do now in the face of the combined onslaught of insurgents, terrorists, criminal gangs and sectarian militias.

A policy for success should include:

* Developing, with the Iraqi government, workable measures for reforming the security forces and making available the necessary resources to implement them.

* Supporting the government of Prime Minister Nouri al-Maliki in its efforts to disarm the militias. What is needed is a detailed, multifaceted approach that encompasses political, economic and public-information considerations as well as conventional force.

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

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

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

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

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

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

The United States cannot escape responsibility for the current situation in Iraq. Not only would abandoning Iraq to its fate now be irresponsible, it would almost certainly lead to disintegration and dictatorship, with a high risk of a wide regional conflict—a catastrophe for not just Iraq but also for the United States and for world peace and stability for decades to come. On the other hand, winning this war would be one of the best gifts the United States could make to the world and to its own people.

Mr. BOND. I yield the floor.

The PRESIDENT pro tempore. The majority leader is recognized.

SECURITY

Mr. FRIST. Mr. President, with passage of the Department of Defense appropriations yesterday, we took another major step forward making America safer and more secure. We hit a few bumps and distractions along the way, but the end result was passing the Defense appropriations bill. Under the tremendous leadership of the President pro tempore, who is occupying the chair, we passed a bill that makes America, and continues to make America, safer and more secure. We helped to bring to our troops the cutting-edge technologies and resources that they need and will continue to need in fighting the war against terror.

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

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

In addition, it is important to note, for border security interests, over the past 2 years we have made huge progress in funding initiatives along our border, as reflected in the bills, the Homeland Security appropriations bill and the bill we passed yesterday, the Department of Defense appropriations bill. If we examine the last 2 years, we see how much progress, indeed, has been made for the border. We have added 3,736 new Border Patrol agents, for a total of 14,555. We have added in these bills 9,150 new detention beds, for a total of 27,500.

We have added, in these bills, 370 miles of border security fencing and added 461 miles of vehicle barriers along that Southwest border. We have added $682 million for border tactical infrastructure and facilities construction.

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

For the Coast Guard, in these bills, we have added $7.5 billion for the Coast Guard maritime border security, including $4 billion for Coast Guard port security and $2.1 billion for deepwater assets.

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

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

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

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

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

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

The bill before us now will provide the structure and resources necessary to strengthen our seaport vulnerabilities and better protect the American people from attack that might occur through those ports. It addresses security throughout the international cargo supply chain—from factory gate in a foreign country to screening in the U.S. port of final destination.

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

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

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

Equally significant is that ports clearly facilitate the transportation of something from one place to another. Goods arrive at and depart through these ports—by ship, by rail, by truck—so it is not inconceivable that terrorists could use ports as a conduit to smuggle into this country.

Just imagine the damage if a terrorist smuggled a dirty bomb in a cargo container off a ship calling on a U.S. port. Once unloaded, it could be transferred to a waiting tractor-trailer or train and from there target anywhere in this country.

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

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

These are not pipedreams. They are legitimate threats. Remember when the USS *Cole* was attacked by a bomb-laden boat during a refueling stop in Yemen? Had that occurred in a U.S. port, not only would the port of calling be shut down but very likely officials would halt the entire U.S. maritime transportation system, as they did in the days immediately following 9/11.

Studies suggest that such a disruption in trade would reverberate throughout the country, costing billions of dollars.

The 9/11 Commission—if we look back at their recommendations—concluded that ''opportunities to do harm are as great, or greater, in maritime and surface transportation'' as in commercial aviation. That is why we have elected to bring this bill to the floor of the Senate. That is why the bill before us is so very important. It provides the Department of Homeland Security with the additional authorities and vital tools necessary to improve maritime security and to foil plots to injure or destroy our ports, to the detriment of our people and to the detriment of our economy.

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

I look forward to a thoughtful and engaging debate over the next several days and do hope my colleagues will join me in supporting this very important piece of legislation.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

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

The legislative clerk read as follows:

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

The PRESIDENT pro tempore. Who seeks recognition?

The Senator from Maine.

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

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

Thank you, Mr. President.

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

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

The legislative clerk proceeded to call the roll.

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

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

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

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

As I know the Senate will realize, these three committees each have tremendous knowledge about our ports and programs which protect and secure our international supply chain. I believe it is a credit to the Senate that each committee agreed to pool their resources, put aside jurisdictional issues, and reach a consensus on this bill.

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

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

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

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

This legislation will enhance the collection and analysis of information about cargo destined for our ports. Those in the shipping industry are our eyes and ears with respect to security, and this bill aims to increase awareness of the operations at domestic and foreign ports. Once those in industry share important information about cargo in the international supply chain, we must analyze it quickly. This legislation expedites that process and ensures it begins earlier in the supply chain—before containers even reach our shores. This act requires information about cargo be provided and analyzed before the cargo is loaded on a vessel in a foreign port and shipped here. That will be a significant change.

This bill also expands several initiatives with a proven track record of success. There are currently five interagency operations centers up and running throughout our country. These centers bring together Federal, state, and local security enforcement officials to ensure communication among them. This act expands this effort to each of the major seaports, and places the Coast Guard in charge of these centers.

This act also builds upon the Department of Homeland Security's past cooperation with foreign governments. The Container Security Initiative, CSI, contained within this bill enables the department, working in partnership with host government customs services, to examine high-risk containerized cargo at foreign seaports before it is loaded on vessels destined for the United States.

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

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

background checks on all port personnel. Current law only requires the Transportation Security Administration to perform checks on those workers directly tied to transportation at the port, or involved in its security. From the Commerce Committee hearings, it was evident that a more stringent requirement was needed, and it is in the bill.

The events of September 11, 2001, forever altered the course of our Nation. Senator INOUYE and I traveled to ground zero shortly after the attacks. It was a sad and terrible sight. It was also a stark reminder that we must do everything possible to prevent those who wish to harm Americans from carrying out their missions.

To prevent future attacks, we must secure our ports, and this bill is a major step forward in this effort. Senator INOUYE, my co-chairman on the Commerce Committee, and I thank Senators GRASSLEY, BAUCUS, COLEMAN, COLLINS and LIEBERMAN for their leadership in drafting this bill. I would also like to thank the staff members on each of the committees; they have worked tirelessly on this bill.

Each of the committees involved in this bill has jurisdiction over an area vital to the safety of our ports. The Commerce Committee oversees issues related to the shipping industry, transportation security, and the Coast Guard. The Finance Committee oversees international trade and customs. And greater security of our ports and borders is central to the Homeland Security Committee's mission. Working together, our three committees have developed a comprehensive bill which will help shield our Nation from future terrorist attacks. It is my hope our colleagues will support this act and move quickly to pass this bill.

I ask unanimous consent to have printed in the RECORD following my statement a summary of the bill prepared by Ken Nahigian, who sits next to me and is counsel for our Commerce Committee.

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

SUMMARY OF BILL: PORT SECURITY IMPROVEMENT ACT OF 2006

TITLE I: SECURITY OF UNITED STATES SEAPORTS

Subtitle A: General Provisions

Section 101: Area maritime transportation security plan to include salvage response plan. Ensures that following a maritime transportation security incident waterways are cleared, salvage equipment is identified, and the flow of commerce is reestablished.

Section 102: Requirements relating to maritime facility security plans. Authorizes qualified individuals to implement Department of Homeland Security (DHS) approved security plans for a maritime facility.

Section 103: Unannounced inspections of maritime facilities. Verifies the effectiveness of facility security plans on a periodic basis, including at least one unannounced inspection annually.

Section 104: Transportation security card deadline. Establishes a timeframe for Transportation Worker Identification Credential (TWIC) implementation at all U.S. seaports. Requires DHS to process applications simultaneously for individuals needing both TWIC and merchant mariner documents.

Section 105: Long-range vessel tracking. Encourages DHS to issue regulations to establish a voluntary long-range automated vessel tracking system for select vessels.

Section 106: Establishment of interagency operational centers for port security. Expands existing interagency operational/fusion centers to all high-priority ports within three years to facilitate coordination and communication among Federal, State, local and private sector stakeholders. Requires DHS to submit a budget and cost-sharing analysis to Congress within 180 days of this Act.

Subtitle B: Graut aud Training Programs

Section 111: Port security grants. Requires DHS to allocate grants based on risk to port authorities, facility operators, and State and local government agencies to enhance port security activities. Authorizes appropriations of $400 million.

Section 112: Port security training program. Allows establishment of a training program for seaports' prevention of, preparation for, response to, and recovery from threats, including terrorism, natural disasters and other emergencies. The program would be coordinated with the Coast Guard.

Section 113: Port security exercise program. Allows creation of an exercise program to test and evaluate the capabilities of Federal, State, local and other relevant stakeholders to coordinate appropriate response and recovery from threats at commercial seaports. The program would be coordinated with the Coast Guard.

Subtitle C: Port Operations

Section 121: Domestic radiation detection and imaging. Requires the Secretary to develop a strategy for deployment of radiation detection capabilities and ensures that by December 2007, all containers entering the U.S., through the busiest 22 seaports, shall be examined for radiation. Requires DHS to submit a report of the strategic plan developed and to implement the strategy nationwide within three years. Requires DHS to submit a separate plan for the development of equipment to detect WMD threats at all U.S. ports of entry.

Section 122: Port security user fee study. Requires DHS to study the need for and feasibility of oceanborne and port-related transportation security user fees to be collected for funding port security improvements. Requires DHS to submit a report detailing the results of the study, analysis of current customs fees and duties collected that are dedicated to security, comparison of comparable fees imposed in ports of Canada and Mexico, assessment of the impact on competitiveness of U.S. ports, and recommendations based on findings.

Section 123: Inspection of car ferries entering from Canada: Requires DHS, in coordination with Department of State, to develop a plan for the inspection of passengers and vehicles before loading onto ferries bound for a U.S. port.

Section 124: Random searches of containers. Requires DHS to develop and implement a plan, within one year after enactment, for random physical inspection of shipping containers. Random searches would not preclude additional container searches.

Section 125: Work stoppages and employee-employer disputes. Defines the term economic disruption, which does not include a work stoppage or 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

Section 201: Strategic plan to enhance the security of the international supply chain. Requires DHS to develop, implement and update a strategic plan to improve the security of the international cargo supply chain. The plan would be required to identify and address gaps, provide improvements and goals, establish protocols for the resumptions of trade including identification of the initial incident commander, consider international standards for container security, and allow for communication with stakeholders.

Section 202: Post incident resumption of trade. Establishes that following a maritime transportation security incident, the initial incident commander and lead department carry out the protocols of the international supply chain security strategic plan. The Coast Guard would ensure the safe and secure transit of vessels to U.S. ports. Preference would be given to certain vessels and cargo (CSI/C–TPAT) in the resumption of trade. The Secretary would ensure that there is appropriate coordination among federal officials and communication of revised procedures, not inconsistent with security interests, to the private sector to provide for the resumption of trade.

Section 203: Automated targeting system (ATS). Requires DHS to identify, and allows it to request the submission of, additional data (non-manifest and entry data elements) of container cargo moving through the international supply chain. Data would be analyzed to identify high-risk cargo for inspection. Authorization of appropriations to fund ATS for FY 2007–2009.

Section 204: Container security standards and procedures. Requires DHS to promulgate a rule to establish minimum standards and procedures for securing containers in transit to the U.S. If the rulemaking deadline is not met, DHS would have to provide a letter of explanatory rationale to Congress. DHS and other federal agencies are encouraged to promote international cargo security standards.

Section 205: Container security initiative (CSI). Authorizes CSI program to identify, examine or search maritime containers before U.S.-bound cargo is loaded in a foreign port. Designates foreign ports as part of the CSI program based upon select criteria including risk, trade volume and value of cargo, Coast Guard assessments, and the commitment of the host nation to comply with data sharing requirements. DHS would establish standards for the use of nonintrusive imaging and radiation detection equipment at CSI ports. DHS would also develop a plan to ensure adequate staffing at CSI ports. Requires DHS to submit a report to Congress on the effectiveness of, and need for improvements to, CSI. Authorizes appropriations for FY 2008–2010.

Subtitle B: Customs-Trade Partnership Against Terrorism (C–TPAT)

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

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

Section 213: Minimum requirements. Establishes minimum security and other requirements that applicants must meet to be eligible for C–TPAT.

Section 214: Tier 1 participants in C–TPAT. Allows for limited benefits for participants,

which may include a reduction of the ATS risk score, to those C–TPAT participants that meet the minimum guidelines established. To the extent practicable, DHS would complete the Tier 1 certification process within 90 days of receipt of a candidate's application.

Section 215: Tier 2 participants in C–TPAT. Allows for an additional level of benefits—reduced cargo examinations and priority processing—to those participants who meet a higher level of C–TPAT security requirements. DHS would be required to validate the security measures and supply chain practices of C–TPAT participants, including onsite assessments, within one year of certification.

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

Section 217: Consequences for lack of compliance. Allows DHS to deny benefits in part or in whole, including suspension or elimination for at least five years, of any participant that fails to meet C–TPAT requirements or knowingly provides false or misleading information: said entities may appeal this decision.

Section 218: Revalidation. Establishes a process for revalidating C–TPAT participants in tiers 2 and 3 and requires an annual plan for revalidation, detailing performance measures and necessary personnel requirements.

Section 219: Non-containerized cargo. Allows DHS to consider including importers of noncontainerized cargo as participants in C–TPAT, provided program requirements are met.

Section 220: C–TPAT program management. Requires DHS to establish sufficient internal quality controls and record management of C–TPAT including development of a strategic plan to identify goals, annual plans to match resources with workload, a standardized work program to monitor progress, a record management system, and a data protection program.

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

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

Section 223: Authorization of appropriations. Authorizes appropriations to Customs and Border Protection in DHS to carry out the C–TPAT provisions of sections 211 through 221. In addition to any monies appropriated to Customs and Border Protection, there are authorized to be appropriated funds for the purpose of meeting the staffing requirement provided in section 222.

Section 224: Report to Congress. Stipulates that DHS must report on the progress of C–TPAT certifications, validations and revalidations in conjunction with the President's annual budget submission.

Subtitle C: Miscellaneous Provisions

Section 231: Pilot integrated scanning system. Develops a pilot program in three foreign seaports, each with unique features and varying levels of trade volume to test integrated scanning systems using nonintrusive inspection and radiation detection equipment. Requires full-scale pilot implementation within one year after enactment. An evaluation report would be required to be submitted to Congress 120 days after full implementation of the pilot.

Section 232: International cooperation and coordination. Allows DHS to provide assistance, equipment and training to facilitate the implementation of supply chain security measures at CSI designated ports. Requires DHS to identify foreign assistance programs to encourage implementation of port security antiterrorism measures at foreign ports, with particular emphasis on foreign ports in the Caribbean Basin. Requires GAO to submit a report on the security of Caribbean ports within 180 days.

TITLE III: ADMINISTRATION

Section 301: Office of Cargo Security Policy. Establishes an office within DHS to coordinate all cargo security policy within the Department, coordinate DHS cargo security policies with policies of other executive agencies, consult with stakeholders, establish standards, and promote best practices.

Section 302: Reauthorization of Homeland Security Science and Technology Advisory Committee. Authorizes the Assistant Secretary for Science and Technology to utilize the Homeland Security Science and Technology Advisory Committee to provide outside expertise in advancing cargo security technology.

Section 303: Research, development, test, and evaluation efforts in furtherance of maritime and cargo security. Assures coordination within DHS and with other public and private sector entities for research and development of maritime and cargo security innovations.

TITLE IV: AGENCY RESOURCES AND OVERSIGHT

Section 401: Office of International Trade. Creates within the Bureau of Customs and Border Protection (CBP), an Office of International Trade. Establishes an International Trade Policy Committee to assist in coordinating with the DHS Assistant Secretary for Policy regarding commercial customs and trade facilitation functions. Establishes an International Trade Finance Committee to coordinate and oversee the implementation of programs involved in the assessment and collection of duties on U.S. imported and exported cargo.

Section 402: Resources. Requires CBP to complete a resource allocation model, by June 2007 and every 2 years thereafter, to determine optimal staffing for commercial and revenue functions. Requires submission of models of Congress. Authorizes appropriations to increase the number of CBP personnel to perform commercial operations and customs revenue functions: new hires would be based upon aforementioned models and additional authorized 725 CBP officers.

Section 403: Negotiations. Requires DHS to work with appropriate Federal officials and international organizations to harmonize customs procedures, standards, requirements and commitments to facilitate the efficient flow of international trade.

Section 404: International Trade Data System (ITDS). Requires the Secretary of the Treasury to oversee the establishment of an electronic trade data interchange system to eliminate redundant information requirements, to efficiently regulate the flow of commerce and enforce regulations relating to international trade. All Federal agencies that require documentation for clearing or licensing the importation and exportation of cargo shall participate in the ITDS, unless based on national security interests, the Office of Management and Budget (OMB) waives the participation requirement. Establishes an Interagency Steering Committee to define the standard set of data elements to be collected, stored and shared in the ITDS: said committee would submit a report to Congress before the end of each fiscal year.

Section 405: In-bond cargo. Requires DHS to submit a report to Congress including analysis of various aspects of in-bond cargo, such as tracking, technologies, evaluation criteria for targeting and examining in-bond cargo and the feasibility of reducing the transit time for in-bond shipments.

Section 406: Sense of the Senate. Delineates elements of the bill that shall not affect the jurisdiction of standing Senate committees.

Mr. STEVENS. Mr. President, I thank Senator COLLINS and Senator GRASSLEY for their cooperation, and our counterparts on the other side of the aisle, my colleagues Senator INOUYE, Senator MURRAY, and Senator BAUCUS, those who are working with us to move this bill as quickly as possible.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

AMENDMENT NO. 4921

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

(The amendment is printed in the RECORD of Thursday, September 7, 2006, under ''Text of Amendments.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Colorado is recognized.

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

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

(The remarks of Mr. ALLARD are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

THE PORT SECURITY IMPROVEMENT ACT OF 2006—SUMMARY

This legislation will provide the structure and the resources needed to better protect the American people from attack through our seaports that are both vulnerable points of entry and vital centers of economic activity. Each year, more than 11 million containers pass through the ports and 53,000 foreign-flagged vessels call at U.S. ports. This bill is a comprehensive approach that addresses all major aspects of maritime cargo security. The bill reflects not only bipartisan consultation and support, but coordination among the Senate Homeland Security, Commerce, and Finance Committees.

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

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

Container Security Standards. Because container security standards have languished at the Department of Homeland Security (DHS), the legislation requires the Secretary to establish minimum standards for the movement and storage of containers within 180 days of the enactment of the bill. It can base these regulations on its experience with the cargo security programs that it currently operates. In addition, the Secretary is directed to seek to establish international standards through multilateral agreements or international bodies.

Resumption of Operations at Seaports. The Secretary shall develop protocols for the resumption of trade in the event of a security incident or a disruption to trade at seaports. To handle the immediate response to an incident, the Secretary must establish protocols that make clear who is the initial incident commander and the lead agency that will execute and coordinate the response so that there will be no confusion. In reestablishing the flow of trade through U.S. ports, preference shall be given to vessels with a valid security plan that are manned with individuals who have undergone background checks and are operated by validated C–TPAT participants. Preference should be given to cargo that is entering a U.S. port from a CSI port and handled by a validated participant in C–TPAT.

CARGO SECURITY PROGRAMS

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

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

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

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

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

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

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

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

RESOURCES AND COORDINATION FOR PORT SECURITY

Port Security Grants and Training. The bill establishes risk-based grants, training, and exercises for port security. The legislation authorizes $400 million in appropriations for port security grants.

Office of Cargo Security Policy. This legislation establishes within the Department of Homeland Security an Office of Cargo Security Policy to coordinate department-wide efforts regarding cargo security policies and programs.

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

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

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

There is 100 percent screening. There is a difference between screening a container, which means gathering information on each and every container and doing a sophisticated computer analysis to determine which are of higher risk, versus scanning each container with an x-ray-type machine or some other method or a physical inspection.

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

The letter says:

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

And this is the key point—

such a mandate has the potential to significantly impede the flow of commerce and damage the U.S. and global economy.

Mr. President, I ask unanimous consent that the full text of that letter be printed in the RECORD.

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

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

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

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

The Retail Industry Leaders Association (RILA) is the trade association of the largest and fastest growing companies in the retail industry. Its members include retailers, product manufacturers, and service suppliers, which together account for more than $1.5 trillion in annual sales. RILA members operate more than 100,000 stores, manufacturing facilities and distribution centers, have facilities in all 50 states, and provide millions of jobs domestically and worldwide.

We understand that key committees in the Senate has come to an agreement on a port security bill that may be taken up as soon as tomorrow, September 8th, 2006, and that the legislation is based on provisions from earlier bills drafted in the Homeland Security & Government Affairs Committee, the Commerce, Transportation and Infrastructure Committee and the Finance Committee. Each of those bills contain important provisions that will help improve our nation's port security laws by building upon and recognizing the effectiveness of the well-established security measures our government currently has in place. RILA supports legislation that builds upon this proven approach, which is why we worked to help pass port security legislation in the House, H.R. 4954, The SAFE Ports Act. It is our hope that the Senate bill will closely mirror the House legislation, which received overwhelming bipartisan support.

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

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

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

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

Rather than mandating 100% scanning, port security legislation should authorize additional testing and evaluation of scanning technology. Several of the relevant port security bills address this issue by calling for pilot projects and other evaluations to test the effectiveness and operational capability to conduct increased container scanning, including the ''GreenLane Maritime Cargo Security Act'' passed by the Senate Homeland Security Committee and the House SAFE Ports Act. These provisions represent the best way to address this issue and answer important operational and economic questions critical to understanding how to effectively implement container scanning.

Retail companies are among the largest and most knowledgeable stakeholders in the supply chain system and administer the most extensive and efficient logistics operations in the world. The industry has worked hand-in-hand with the Department of Homeland Security (DHS), and specifically with the Coast Guard and Customs and Border Protection to ensure that our customers, employees, and the nation's seaports remain safe and that the nation's economy remains strong. We take a back seat to no industry in our support for strong and carefully crafted port security legislation, and we urge the Senate to move quickly to pass such a bill as soon as possible.

Thank you for your consideration of our views. We look forward to working with you on this critically important issue. Should you have any questions, please contact Paul T. Kelly, Senior Vice President for Government Affairs or Allen Thompson, Vice President for Global Supply Chain Policy.

Sincerely,

SANDY KENNEDY,
President.

Ms. COLLINS. Mr. President, what we have tried to do with this bill is very carefully balance the need for effective, improved security with the need to ensure that we are not crippling our international trading system. We now have 11 million shipping containers coming into this country each year. This is a number that has grown substantially in recent years. We know each one has the potential to be the Trojan horse of the 21st century, to include not consumer goods but perhaps terrorists themselves, the makings of a dirty bomb, a chemical, biological, or even nuclear weapon.

That is why the legislation that we have authored proposes a strong, effective, layered system of security. It focuses on the ports of origin. It focuses on each container to make sure that it is effectively evaluated, and it has a system for securing the entire supply chain that is called the C–TPAT system.

The highest system of C–TPAT would be the GreenLane system, of which Senator MURRAY is the author.

At that level, shippers would take steps to completely certify the security of their supply chain from the factory where the good is manufactured, all the way to the delivery to the retail store. Each step of the supply chain would be certified as secure. In return, those shippers or retailers that reach that highest level, the GreenLane, would be given certain benefits. Their cargo would be expedited. Their cargo would be subjected to fewer inspections. Their cargo would be released more quickly in the event of an attack on our ports.

Our proposal addresses the people who work at our ports. It addresses the shipping containers. It addresses the ports themselves and other facilities. It takes the layered approach to security that is recommended by the 9/11 Commission.

So I hope those of our colleagues who may be tempted to think that the answer to port security is to do an x-ray of each and every shipping container will take a closer look at the systems and the security that would be provided by our legislation and would consider the points that have been raised by the experts who point out the dangers in delaying the transit of shipping containers. It might actually decrease security rather than enhance it. And, also, that we have to strike that right balance so we do not significantly impede the flow of commerce and damage the U.S. and global economy.

Just think how many farmers rely on our ports to ship their crops overseas. Think of how many factories and stores in our country rely on just-in-time inventory. If you are reliant on just-in-time inventory and your containers are delayed just 3 days, it can make a big difference to your operations. So we need to make sure that we strike the right balance.

I think the bill before us, which has been carefully worked out by three committees, which has been in progress for years, does strike the right balance.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 4922

Mr. MCCAIN. I call up amendment No. 4922 and ask for its immediate consideration. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Ms. SNOWE, Mr. DEWINE, Mr. BIDEN, and Mr. LIEBERMAN, proposes an amendment numbered 4922.

Mr. MCCAIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

My thanks to the managers and my thanks to the distinguished chairman

of the Commerce Committee for all of his efforts on this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I thank the Senator from Arizona for his comments. I might say on the visit that I made to Los Angeles Harbor, it is very clear that rail is essential for the 40 percent of the cargo that comes into the United States. The majority moves out of the Los Angeles Harbor by rail, and currently that is very sensitive because there is only one rail coming out of there and there should be multiple rails.

Senator MCCAIN has offered S. 1052, which our committee reported in November of 2005. That bill contained sections of aviation, rail, trucking, and port security.

In addition, Senator MCCAIN's bill passed the Senate in 2004. It is not controversial. I will urge the Senate to let us pass it again without amendment so we can take it to conference, and I do believe it will become law.

It is very clear it is as essential as the port security section, and I thank him for bringing it to the floor. I intend to support it completely because I hope we can get back to both the aviation and trucking portions of S. 1052 sometime. I don't think it will be in this Congress, however, because it has become too controversial. But we intend to take them up again, I believe, early next year whether there is change of management or not in terms of the Commerce Committee. I do hope we can realize the aviation and trucking areas need to change, as far as security considerations are concerned, in terms of their basic law. But I am here to urge the Senate very favorably to approve this, and I am certainly urging the Senate to adopt the McCain amendment when we start voting on this bill next Tuesday.

Is there anyone else who wishes to comment at this time?

AMENDMENT NO. 4922, AS MODIFIED

Mr. MCCAIN. Mr. President, if I may just make one additional comment, I ask unanimous consent the amendment be modified with the changes at the desk. They add the Homeland Security Committee as recipient of the reporting requirements in the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment, as modified, is as follows;

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

TITLE____—RAIL SECURITY ACT OF 2006

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Rail Security Act of 2006''.

SEC. ____02. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY ASSESSMENT.—The Under Secretary of Homeland Security for Border and Transportation Security (referred to in this title as the ''Under Secretary''), in consultation with the Secretary of Transportation, shall conduct a vulnerability assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code), which shall include—

(A) identification and evaluation of critical assets and infrastructures;

(B) identification of threats to those assets and infrastructures;

(C) identification of vulnerabilities that are specific to the transportation of hazardous materials via railroad; and

(D) 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.

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

(3) RECOMMENDATIONS.—Based on the assessment conducted under this subsection, the Under Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Under Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Under Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, 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 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.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment required by subsection (a), the Under Secretary 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 (including those within other agencies and offices within the Department of Homeland Security), and other relevant parties.

(c) REPORT.—

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

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

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

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

(2) FORMAT.—The Under Secretary may submit the report in both classified and redacted formats if the Under Secretary determines that such action is appropriate or necessary.

(d) 2-YEAR UPDATES.—The Under Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations every 2 years 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) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary $5,000,000 for fiscal year 2007 to carry out this section.

SEC. ____03. RAIL SECURITY.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended by 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 Under Secretary, shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. ____04. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

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

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

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

SEC. ____05. PASSENGER, BAGGAGE, AND CARGO SCREENING.

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

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

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

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

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

(b) PILOT PROGRAM.—As part of the study conducted under subsection (a), the Under Secretary shall complete a pilot program of random security screening of passengers and baggage at 5 passenger rail stations served by Amtrak, which shall be selected by the Under Secretary. In conducting the pilot program under this subsection, the Under Secretary shall—

(1) test a wide range of explosives detection technologies, devices, and methods;

(2) require that intercity rail passengers produce government-issued photographic identification, which matches the name on the passenger's tickets before the passenger boarding a train; and

(3) attempt to give preference to locations at the highest risk of terrorist attack and achieve a distribution of participating train stations in terms of geographic location, size, passenger volume, and whether the station is used by commuter rail passengers and Amtrak passengers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary to carry out this section $5,000,000 for fiscal year 2007.

SEC. ___06. CERTAIN PERSONNEL LIMITATIONS NOT TO APPLY.

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

SEC. ___07. FIRE AND LIFE-SAFETY IMPROVEMENTS.

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

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) 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—

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

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

(C) $100,000,000 for fiscal year 2009; and

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

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $10,000,000 for fiscal year 2007;

(B) $10,000,000 for fiscal year 2008;

(C) $10,000,000 for fiscal year 2009; and

(D) $17,000,000 for fiscal year 2010.

(3) For the Washington, DC Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

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

(B) $8,000,000 for fiscal year 2008;

(C) $8,000,000 for fiscal year 2009; and

(D) $8,000,000 for fiscal year 2010.

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

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

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(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 under this section, the Secretary has approved a project management plan prepared by Amtrak that appropriately addresses—

(A) project budget;

(B) construction schedule;

(C) recipient staff organization;

(D) document control and record keeping;

(E) change order procedure;

(F) quality control and assurance;

(G) periodic plan updates;

(H) periodic status reports; and

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

(f) REVIEW OF PLANS.—

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

(2) INCOMPLETE PLANS.—If the Secretary determines that a plan is incomplete or deficient—

(A) the Secretary shall notify Amtrak of the incomplete items or deficiencies; and

(B) not later than 30 days after receiving the Secretary's notification under subparagraph (A), Amtrak shall submit a modified plan for the Secretary's review.

(3) REVIEW OF MODIFIED PLANS.—Not later than 15 days after receiving additional information 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 and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that identifies the portions of the plan the Secretary finds incomplete or deficient;

(ii) approve all other portions of the plan;

(iii) obligate the funds associated with those other portions; and

(iv) execute an agreement with Amtrak not later than 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary of Transportation shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak 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 of the tunnels, if feasible.

SEC. ___08. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute a memorandum of agreement governing the roles and responsibilities of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking ''railroad safety'' and inserting ''railroad safety, including security,''.

SEC. ___09. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

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

''§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

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

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

''(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The 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 within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

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

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

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

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

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

''(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary

of Transportation, and Amtrak may not release to any person information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

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

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''Sec. 24316. Plans to address needs of families of passengers involved in rail passenger accidents.''.

SEC. ___10. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c), the Under Secretary may award grants, through the Secretary of Transportation, to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, D.C.;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Under 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; and

(7) to expand emergency preparedness efforts.

(b) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak for projects under subsection (a) unless—

(1) the projects are contained in a systemwide security plan approved by the Under Secretary, in consultation with the Secretary of Transportation;

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

(3) the plan includes appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Under Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized under this section.

(d) AVAILABILITY OF FUNDS.—There are authorized to be appropriated to the Under Secretary $63,500,000 for fiscal year 2007 for the purposes of carrying out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. ___11. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

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

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

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

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

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

(5) structural modification or replacement of rail cars 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 under section 402(c), including infrastructure, facilities, and equipment upgrades.

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

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

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 410(b).

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless the Under Secretary determines, as a result of the assessment required by section 402, 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) in excess of $65,000,000 to Amtrak; or

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

(f) HIGH HAZARD MATERIALS DEFINED.—In this section, the term ''high hazard materials'' means poison inhalation hazard materials, class 2.3 gases, class 6.1 materials, and anhydrous ammonia.

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

SEC. ___12. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Transportation may use not more than 0.5 percent of amounts made available to Amtrak for capital projects under this title—

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

(2) to oversee construction of such projects.

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

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

SEC. ___13. RAIL SECURITY RESEARCH AND DEVELOPMENT.

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

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

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

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

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

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

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

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

(6) other projects recommended in the report required under section 402.

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

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

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

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

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

SEC. ___14. WELDED RAIL AND TANK CAR SAFETY IMPROVEMENTS.

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

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

(2) instruct Administration track inspectors to obtain copies of the most recent continuous welded rail programs of each railroad within the inspectors' areas of responsibility and require that inspectors use those programs when conducting track inspections; and

(3) establish a program to—

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

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

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

(1) not later than 1 year after the date of the enactment of this Act, validate the predictive model it is developing to quantify the relevant dynamic forces acting on railroad tank cars under accident conditions; and

(2) not later than 18 months after the date of the enactment of this Act, initiate a rulemaking to develop and implement appropriate design standards for pressurized tank cars.

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

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

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains recommendations for measures to eliminate or mitigate the risk of catastrophic failure.

SEC. ___15. NORTHERN BORDER RAIL PASSENGER REPORT.

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

(1) a description of the current system for 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; and

(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.

SEC. ___16. REPORT REGARDING IMPACT ON SECURITY OF TRAIN TRAVEL IN COMMUNITIES WITHOUT GRADE SEPARATION.

(a) STUDY.—The Secretary of Homeland Security, in consultation with State and local government officials, shall conduct a study on the impact of blocked highway-railroad grade crossings on the ability of emergency responders, including ambulances and police, fire, and other emergency vehicles, to perform public safety and security duties in the event of a terrorist attack.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(1) the findings of the study conducted under subsection (a); and

(2) recommendations for reducing the impact of blocked crossings on emergency response.

SEC. ___17. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following:

''§ 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 perceived threat to security; or

''(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a perceived threat to security; or

''(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

''(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under such section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after the filing date. If the violation is a form of discrimination that does not involve discharge, suspension, or 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) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section without the written consent of the employee.

''(2) ENFORCEMENT.—The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) if the matter is referred to the Attorney General for enforcement.''.

(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:

''Sec. 20116. Whistleblower protection for rail security matters.''.

Mr. MCCAIN. I also ask unanimous consent to add Senator LIEBERMAN as a cosponsor.

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

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I wish to associate myself with the remarks of Mr. STEVENS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I, too, commend the Senator from Arizona for bringing this measure to the Senate floor. As Senator STEVENS has pointed out, it is directly relevant to port security because many of the containers that come into our ports by ship are then deployed throughout the country by rail. So I would argue this is directly relevant to the goal of the legislation before us.

This is a Commerce Committee matter that Senator MCCAIN has brought

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

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

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

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

This legislation represents a thoughtful reevaluation of how best to meet the Nation's security interests at United States seaports. We have taken a look at what has been done since 9/11. This legislation builds upon that. Terrorists have proven that they will change their ways to exploit perceived weaknesses in our defenses. We need to stay ahead of them. This legislation empowers our personnel in the Department of Homeland Security and United States Border and Customs Protection to do just that.

At the same time, this legislation includes provisions to strengthen the economic security of our Nation. It's important to remember that in addition to killing innocent Americans, the 9/11 attacks were intended to wreak economic havoc and injury upon our Nation. This legislation includes provisions that realign resources to ensure better efficiency in the administration of customs laws within the United States Customs and Border Protection. It authorizes the International Trade Data System, a forward-looking program to better utilize technology in order to increase efficiency and facilitate trade. And, it provides for added resources to better meet all of our economic and trade security interests that are overseen by the U.S. Customs and Border Protection.

In sum, this legislation is the culmination of months of hard and thoughtful work. I thank my ranking member on the Finance Committee, Senator BAUCUS, my colleagues on the Commerce Committee, Senator STEVENS and Senator INOUYE, and my colleagues on the Homeland Security Committee, Senator COLLINS and Senator LIEBERMAN, with whom I have worked so closely to bring this legislation to the floor. I urge all of my colleagues to join me in advancing this essential legislation through the Senate in a timely manner.

Ms. COLLINS. Mr. President, I want to comment on the tremendous efforts of the ranking member of the Homeland Security Committee, Senator LIEBERMAN, and the chairmen and ranking members of the Commerce and Finance Committees, Senators STEVENS, INOUYE, GRASSLEY and BAUCUS. They along with their committee staffs have worked together for months to develop the bill that is before us today.

Each of the committees has its own jurisdictional interests in this bill. The Homeland Security Committee has jurisdiction over the Department of Homeland Security with its primary mission of preventing terrorist attacks against the United States and reducing vulnerabilities to such attacks. Many of the programs in this bill, including the Automated Targeting System, the Container Security Initiative, and the Customs-Trade Partnership Against Terrorism, serve the purpose of reducing vulnerabilities to terrorist attacks and are operated by the U.S. Customs and Border Protection within the Department of Homeland Security—squarely within the Homeland Security Committee's jurisdiction. Moreover, it was the committee's jurisdictional authority to study the effectiveness of government agency programs that began the evaluation of the DHS' cargo security initiatives that are improved by this bill.

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

The PRESIDING OFFICER. The Senator from Alaska.

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

MORNING BUSINESS

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

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

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

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

AMERICAN ENERGY INDEPENDENCE

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

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

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

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

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

Nearly 5 years ago, on September 11, 2001, we awoke on a bright, blue-sky morning to the dark realization that a great evil still stalks our world. Out of the shocking smoke and devastation of September 11 came the realization that we are at war—at war with an extraordinarily violent ideology that seeks to pervert a great religion and murder thousands of innocent people to satisfy its thirst for power in a new caliphate from Europe to Indonesia.

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

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

But there comes a time where we have to set aside such differences and act not as Republicans or Democrats determined to win an election but as Americans determined to win a war, and in so doing preserve our freedom, our values, and our way of life.

Rather than petty political bickering and partisan posturing, let all of us stand together—those of us who understand the reality of the mortal danger that our irreconcilable, fanatical

enemy and its hateful ideology represent. Let's stand apart from those who would still deny or diminish the magnitude of the danger that we face, even as we mourn our thousands dead and foil new plots to kill thousands more.

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

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

Today, as we combat the powerful forces of terrorism and their state sponsors, we and our allies find ourselves continually dependent on and compromised by Middle Eastern and other hostile sources of foreign oil.

This war is unlike other great wars. In the past, the financial sacrifice of free citizens fueled the engines of industry and military output. But today, many of our gasoline dollars now go to finance the war effort of our enemies, and, if those dollars do not go directly to our enemies now, then they go into bank accounts of some friendly but fragile states—bank accounts that are the envy and object of radical ideologues.

When a nation like Iran has an advanced program to develop nuclear weapons—and when that nation is committed to the destruction of Israel and others—when that nation uses oil as blackmail to keep the international community from confronting its nuclear threat, as the leaders of Iran have done, then we know this: Our peace, freedom, and national security depend on making that oil weapon irrelevant.

Because we rely so heavily on Middle Eastern oil in our economies, our foreign policy options are limited for addressing the terrorism, tyranny, and related geopolitical issues. For America to be free and independent—for Americans to remain the masters of our own destiny—we must declare our independence from Middle Eastern and other hostile sources of oil. We must commit every effort and resource to the achievement of this national purpose.

I strongly believe that a comprehensive, enduring, sustained, and strategic plan for independence from Middle Eastern and other hostile sources of foreign oil must include five essential elements.

They are, first, the strategic use of our global economic power and international relationships to remove oil-based leverage that hostile states currently enjoy; second, the accelerated exploration and development of American energy supplies, including American oil, American natural gas, American clean coal, and American nuclear power; third, the accelerated research, development, and deployment of every economically viable alternative and renewable source of energy; fourth, a bold new national commitment to innovation and entrepreneurship, investing in the next generation of leading-edge, creative scientists, researchers, and engineers of advanced technology; and, fifth, an unequivocal declaration of our national security commitment to energy independence.

Let me highlight some of these key initiatives that I believe are needed in each of those five areas.

First, we must use our global economic power and international relationships strategically to undercut the oil-based leverage that hostile nations enjoy now and in the future.

We all recognize that America's dependence on Middle Eastern and other hostile sources of foreign oil leaves America and our allies, mainly in Europe and Asia, vulnerable to blackmail from radicals in the Middle East, and even in our own hemisphere, such as the avowed Marxist, Hugo Chavez.

Meanwhile, China is aggressively making oil alliances with Sudan, Cuba, Venezuela, and Indonesia to reduce its dependence on Middle Eastern oil. It is not in the interest of the United States to let Africa and Latin America become dominated by oil trade with China.

As a member of the Foreign Relations Committee, I will be introducing a bill for the establishment of America's Energy Security Initiative.

The plan will require the President to establish a permanent energy security working group consisting of representatives of the Department of State, Department of Energy, Department of Commerce, Department of Defense, and intelligence agencies. Our allies will be asked to join us in developing this plan.

We will develop an inventory of all energy reserves worldwide so we can prioritize potential alliances and recognize when strategically important countries come under the influence of others. And we will establish a strategic plan for identifying and forming energy alliances, including bilateral and multilateral arrangements.

The second essential element in our comprehensive plan for achieving independence from the Middle East and other hostile sources of foreign oil is accelerated exploration and development of American energy supplies. We need to adopt a flexible, diverse portfolio of energy options. First and foremost, that must include increased domestic energy production from American oil, more American natural gas, more American clean coal, and more American advanced nuclear energy.

The bottom line is we need more energy explored, produced, grown, and manufactured in America so that hundreds of billions of energy dollars stay here in America and are reinvested in America's economy for American jobs, American competitiveness, and American national security rather than having to worry about the whims of some dictator in a hostile part of the world.

Last month, the Senate passed a Gulf of Mexico Energy Security Act, a good action by the Senate, and a good first step toward reducing natural gas prices at home and making America less dependent on foreign sources of energy.

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

We also need to allow Virginia and other Atlantic coast States to move toward deepwater oil and/or natural gas exploration far off their coasts. According to the Department of Interior, there are roughly 86 billion unexplored barrels of oil and 420 trillion unutilized cubic feet of natural gas under deep water on our Outer Continental Shelf.

The fact is, we have the resources in America and the deep water of our coasts—and also in shale on our land—to reduce the leverage that hostile dictators now enjoy.

We also need to explore for oil and natural gas on the North Slope of Alaska. Critics will say it will hurt the pristine environment. I have been up there. It is a flat, barren, treeless plain. In the summer it is filled with mosquitos, and in the winter it is like the dark side of the Moon.

According to our Department of Energy, the estimated daily oil in ANWR 1.37 million barrels—would be roughly the equivalent of current daily oil imports from Saudi Arabia—1.52 million barrels. That is a lot of oil.

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

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

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

I recently visited a clean coal facility in King George County, VA, where the smokestacks run so clean you can't even see the emissions from it. If you

didn't hear the whirling, you would think it was closed.

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

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

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

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

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

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

I have also joined with my colleague and friend from North Carolina, Senator BURR, in introducing the Affordable and Reliable Gas Act. This legislation will help increase refinery capacity and prevent these dramatic spikes in gas prices that we see in this country, usually in the spring, as they shift from a winter blend to a summer blend.

We have 104 ''boutique'' fuels that strain our refinery capacity, as well as pipeline capacity. Our measure would reduce the number of boutique fuels from 104 to 1 clean-burning diesel fuel and 4 clean-burning gasoline fuel blends by the end of 2008. That will help reduce gas prices.

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

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

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

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

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

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

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

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

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

Last year, the United States matriculated approximately 70,000 engineers compared to 300,000 engineers in India and 500,000 in China.

In America, we must do a much better job in motivating, inspiring, and incenting our young people to study science, engineering, technology, and medicine at a much earlier age. That is why I have worked, as many have worked, in a bipartisan fashion, with Senators Lieberman, Ensign, Alexander, Domenici, Bingaman, and others on the National Innovation Act, which implements the recommendations of the National Innovation Initiative Report and provides tangible action items, including scholarships, to increase America's science and technology talent.

I am also a strong supporter of the Protecting America's Competitive Edge through Energy Act of 2006, which would boost science and math education programs in the United States by providing early career research grants that support young, promising scientists and engineers at the beginning of their careers.

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

All together, the Nanotechnology Initiative, the National Innovation

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

Fifth, and finally, I conclude where we must begin, with a clear, unequivocal expression of national commitment, a new Declaration of Independence, if you will, matched with the discipline to keep us on track, according to an agreed-upon timetable. For those who say we cannot come together for such a national purpose, I say you underestimate the character and the resolve of the American people and the power of the American idea.

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

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

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

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

Let us begin right now.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

INTELLIGENCE COMMITTEE PHASE II REPORT

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

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

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

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

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

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

The committee also found the July 2002 decision by the National Security Council directing that the renewed funding of the INC contract—the Iraqi National Congress, the Chalabi operation—be put under Pentagon management was ill advised given the counterintelligence concerns of the CIA and warnings of financial mismanagement from the State Department.

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

The administration's—this is key—the administration's repeated allegations of the past, present, and future relationship between al-Qaida and Iraq exploited the deep sense of insecurity among Americans in the immediate aftermath of the September 11 attacks, leading a large majority of Americans to believe, contrary to the intelligence assessments at the time, that Iraq had a role in the 9/11 terrorist attacks.

The administration sought and succeeded in creating the impression that al-Qaida and Iraq worked in concert and presented a single unified threat to the United States of America. The committee's investigation revealed something completely different.

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

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

Key pieces of evidence used by the administration asserting links between Iraq and al-Qaida were a report of a meeting in Prague between 9/11 hijacker Mohamed Atta and an Iraqi intelligence officer and a claim that Iraq provided chemical and biological weapons training to al-Qaida in the late 1990s. The committee report demonstrates that the prewar statements of the Vice President of the United States that the Prague meeting had been ''pretty well confirmed'' and that the 9/11 hijacker Mohamed Atta—again the Vice President's words—''in fact'' met with Iraqi intelligence services in 2001 were not substantiated by the intelligence assessment at the time the statements were made by the Vice President. Likewise, the statement by National Security Adviser Rice that

''there are a lot of tantalizing meetings'' between Iraq and ''people who were involved in 9/11'' was clearly false based upon what was known prior to the war.

The committee's investigation revealed no postwar information indicating that Iraq considered using al-Qaida or any other terrorist group to attack the United States. The committee investigation concluded that, in fact, Saddam Hussein was distrustful of al-Qaida and viewed Islamic extremists as a threat to his regime and to him personally, refusing all requests from al-Qaida to provide material or any kind of operational support. Postwar findings indicate that Saddam Hussein refused all al-Qaida overtures for material or operational support and, in fact, issued a general order that Iraq should not deal with al-Qaida. In addition, Saddam viewed al-Zarqawi, who was present in Baghdad only from May to November of 2002, as an outlaw. Saddam regarded Zarqawi as an outlaw and attempted unsuccessfully to locate him and capture him. Again, he failed.

During the buildup to war, the intelligence community was placed under pressure to support the administration's position that there was a link between Iraq and al-Qaida. This is particularly distressing. This pressure took the form of policymakers repetitively tasking analysts to review, to reconsider, to revise their analytical judgments, or simply asking the same question again and again.

Many participants involved with the preparation of prewar intelligence felt at the time that the decision had been made to go to war by the administration early on—in fact, many months before Congress was asked to authorize the use of force. The committee investigation revealed evidence that this prewar pressure to conform to administration policy demands may have led to the co-option of the intelligence community.

The committee's two-phased investigation has been significantly limited, I must say, by the majority's refusal to examine issues and documents relative to our inquiry when the issues and documents came close to the White House.

While a quarter of the committee's INC report is devoted to a lengthy examination of the CIA's relationship with the INC in the early and mid-1990s, the committee majority voted down requests by the minority to investigate the flow of intelligence information from the INC that circumvented the intelligence community and went directly to the White House and to Pentagon policy officials in the lead-up to the war.

Finally, the committee's inquiry has been hampered by the decision to deal with five phase II tasks as separate inquiries, which they are not, and complete the report on a piecemeal basis rather than a unified whole. This has been distressing to those of us in the minority.

The chairman suspended the committee investigation into the Pentagon policy office—we associate the name Doug Fife with that—over 2 years ago, rejected any investigation, oversight—whatever you will—into the Pentagon policy office despite evidence presented in the committee's phase I report that the office attempted to shape the CIA's terrorism analysis, and when it failed, prepared an alternative intelligence analysis for policy officials designed to denigrate the CIA's analysis for not embracing a link between Iraq and al-Qaida and the 9/11 terrorist attacks. It is my belief that the committee can complete its remaining work on phase II of its Iraq inquiry in a manner that is complete, objective, and expeditious. It should not have taken nearly 3 years to reach the point where we are now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be able to proceed as in morning business for 25 minutes.

The PRESIDING OFFICER. We are in morning business. Without objection, it is so ordered.

Mr. LEVIN. I understand it is for 10 minutes unless we get unanimous consent for more time.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 25 minutes.

Mr. LEVIN. Mr. President, let me begin by thanking the Senator from West Virginia for the leadership he has shown on this matter and so many other matters—on every matter he has touched on, in fact, on intelligence and in his other work in this body.

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

The President said Wednesday, just this week, that:

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

Well, that shouldn't surprise anybody. The President's decision to ignore intelligence community assessments prior to the Iraq war and to make repeated public statements that gave the misleading impression that Saddam Hussein's regime was connected to the terrorists who attacked us on 9/11 cost him any credibility he may have had on this issue.

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

> You can't distinguish between al-Qaida and Saddam when you talk about the war on terror.

The bipartisan report released today directly contradicts that linkage which the President has consistently made in his effort to build public support for his Iraq policy.

The bipartisan committee report finds that the prewar intelligence assessments were right when the intelligence community said Saddam and al-Qaida were independent actors who were far from being natural partners. The report finds that prewar intelligence assessments were right when they expressed consistent doubts that a meeting occurred between 9/11 hijacker Mohamed Atta and a senior Iraqi intelligence official in Prague prior to September 11. Our report finds that prewar intelligence assessments were right when they said there was no credible reporting on al-Qaida operatives being trained in Iraq. Those were the two principal arguments which were used prior to the war to support the alleged linkage between al-Qaida and Saddam Hussein.

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

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

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

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

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

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

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

On September 25, 2002, the President said:

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

And then he said:

> You can't distinguish between al-Qaida and Saddam when you talk about the war on terror.

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

> We have what we consider to be credible evidence that al-Qaida's leaders have sought contacts in Iraq who would help them acquire weapons of mass destruction capabilities.

On October 14, 2002, the President said:

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

On January 30, 2003, Vice President CHENEY said:

Saddam's regime aids and protects terrorists, including members of al-Qaida. He could decide secretly to provide weapons of mass destruction to terrorists for use against us. And as the President said on Tuesday it would just take one vial, one canister, one crate to bring a day of horror to our Nation unlike any we have ever known.

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

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

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

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

Our assessment of al-Qaida's ties to Iraq rests on a body of fragmented, conflicting reporting from sources of varying reliability.

That same report of the CIA said:

The ties between Saddam and bin Laden appear much like those between rival intelligence services.

And the Defense Intelligence Agency stated in a July 2002 assessment, being declassified for this first time in this report:

Compelling evidence demonstrating direct cooperation between the government of Iraq and al-Qaida has not been established.

So these two then-classified assessments preceded the President's statements that ''You can't distinguish between Iraq and al-Qaida'' and that, in his view, Saddam would love to use al-Qaida as a ''forward army.''

Then the CIA assessed in January 2003, still before the war, that ''Saddam Hussein and Osama bin Laden are far from being natural partners'' and that Saddam has ''viewed Islamic extremists operating inside Iraq as a threat.''

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

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

That 2003 classified report was issued 1 day before the Vice President stated to the American public that Saddam's regime:

Aids and protects terrorists, including members of al-Qaida.

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

On December 9, 2001, Vice President CHENEY was asked about the report on ''Meet the Press.'' The Vice President said:

It has been pretty well confirmed that he—

The 9/11 hijacker Mohamed Atta—

did go to Prague and he did meet with a senior official with the Iraqi intelligence service in Czechoslovakia last April, several months before the attack.

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

We discovered, and it has since been public, the allegation that one of the lead hijackers, Mohammed Atta, had, in fact, met with Iraqi intelligence in Prague.

But the Intelligence Committee report released today cites a June 2002 CIA paper that said:

Reporting is contradictory on hijacker Mohammed Atta's alleged trip to Prague and meeting with an Iraqi intelligence officer and we have not verified his travels.

The Intelligence Committee report released today declassifies, for the first time, a July 2002 Defense Intelligence Agency paper that said:

Mohammed Atta reportedly was identified by an asset, not an officer, of a Czech service, only after Atta's picture was widely circulated in the media after the attacks, approximately five months after the alleged meeting occurred.

And that:

There is no photographic, immigration, or other documentary evidence indicating that Atta was in the Czech Republic during the time frame of the meeting.

Two months later, in September 2002, the CIA published its assessment that ''evidence casts doubt'' on the possibility that the meeting had occurred and that:

The CIA and FBI have reviewed the reporting available so far and they are unable to confirm that Atta met al-Ani in Prague.

None of those assessments stopped the Vice President from continuing to suggest that the report of the meeting was evidence that Saddam's regime was linked to the 9/11 attack.

On September 8, 2002, in a ''Meet the Press'' interview, the Vice President said that the CIA considered the report of the meeting credible, although again, that same month, the CIA said there was evidence that cast doubt on it having occurred.

In January 2003, the CIA published an assessment stating that:

A CIA and FBI review of intelligence and open-source reporting leads us to question the information provided by the Czech service source who claimed that Atta met al-Ani.

The January 2003 paper stated that the CIA was ''increasingly skeptical''—increasingly skeptical—''that Atta traveled to Prague in 2001 or met with the IIS officer, al-Ani,'' and that ''the most reliable reporting to date casts doubt on this possibility.''

But the Vice President was undeterred by the CIA's skepticism. On September 14, 2003, 8 months after the CIA said that the most reliable reporting cast doubt on the possibility of a meeting between Atta and the Iraqi intelligence officer, Vice President CHENEY was still citing as this having possibly occurred.

On January 14, 2004, a full year after the CIA expressed serious doubts about the meeting and the fact that not a shred of evidence had been found to support the claim of a meeting, the Vice President told the Rocky Mountain News that the Atta meeting was ''the one that possibly tied the two together to 9/11.''

Six months later, on June 17, 2004, the Vice President was asked whether Iraq was involved in 9/11. The Vice President said, ''We don't know. . . . We had one report, this was the famous report on the Czech intelligence service, and we've never been able to confirm it or knock it down. We just don't know.''

The Vice President may not have ''known,'' but the intelligence community sure as heck did not believe, and did not believe for a long time before the Vice President's statement, that the meeting took place.

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

Among what remains classified, and therefore covered up, includes deeply disturbing information. Much of the information redacted from the public report does not jeopardize any intelligence source or method but serves effectively to cover up certain highly offensive activities. Even the partially released picture is plenty bleak, about the administration's use of falsehoods and distortions to build public support for the war. But the public is entitled to the full picture. Unless this report is further declassified, they won't get it. While the battle is waged to declassify those covered-up portions of the report—unless, of course, those portions truly disclose intelligence sources or methods, every Senator should read the classified version of this report. It is available to every Senator, and I urge every Senator to read the classified version of this report and reach his own conclusion about what I and Senator ROCKEFELLER have said about the portions of this report that remain classified and unavailable to the public.

In addition to trying to create the impression that Iraq was connected to the 9/11 attackers, the administration also claimed that Iraq had provided al-

Qaida with training in poisons and gases. For instance, in a speech on October 2002, the President said, ''We've learned that Iraq has trained al-Qaida members in bomb making and poisons and deadly gases.''

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

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

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

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

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

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

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

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

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

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

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

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

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

The Tenet statement was aimed at damage control and it undercut the CIA's own crucial assessment at a critical moment. The New York Times quoted Tenet prominently in a major story on October 9.

We called Tenet before the Intelligence Committee a month and a half ago, on July 26, 2006. In his testimony, quoted in the Intelligence Committee's report, Mr. Tenet admitted that perhaps there was an inconsistency between the President's statement and the CIA's assessment. Mr. Tenet said he issued his statement denying the inconsistency after policymakers expressed concern about the CIA's assessment, as expressed in the declassified October 7 letter. Again, that letter saying that it would be an extreme step for Saddam to assist Islamic terrorists in conducting a weapons-of-mass destruction attack.

I ask for an additional 3 minutes, Mr. President.

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

Mr. LEVIN. Tenet admitted to the intelligence subcommittee that the policymakers wanted him to ''say something about not being inconsistent with what the President had said.'' Tenet complied.

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

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

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

The PRESIDING OFFICER. Who seeks recognition?

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. LEVIN. Mr. President, I ask unanimous consent we stand in recess subject to the call of the Chair.

There being no objection, at 12:42 p.m., the Senate recessed subject to the call of the Chair and reassembled at 1:14 p.m. when called to order by the Presiding Officer (Mr. ALLEN).

The PRESIDING OFFICER. The Democratic leader is recognized.

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

SENATE INTELLIGENCE COMMITTEE REPORT

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

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

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

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

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

Nearly 4 years since the war started in Iraq, 2½ years after the Republican chairman of the Intelligence Committee was pressured into starting this investigation, and nearly a year after Democrats sent the Senate into closed session to discuss the Republicans' stonewalling, 60 percent of the Intelligence Committee's investigation still is unfinished, and questions as to how and why the administration exaggerated and cherry-picked intelligence to sell its case for war remain unanswered.

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

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

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

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

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

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

HONORING OUR ARMED FORCES

SPECIALIST STEPHEN P. DOWNING II

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

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

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

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

Stephen Downing was a man of action, with a keen sense of right and wrong. He was more comfortable working on an engine or being outdoors than sitting inside. He was quick-witted, with a knack for pulling practical jokes. This quality endeared him to his family, friends, and fellow soldiers.

Stephen loved his family. As SPC Robert Gonzales, who served with Stephen Downing in both Korea and Iraq, recalls—using Stephen's nickname with the unit—

> Stevey D. was very proud of his kids. He always talked about how proud they made him. . . . I can't remember how many times he showed me a picture of his son and his daughter swimming in a pool, wearing floaties. He kept it with him all the time.

Stephen's fatherly tenderness extended beyond his daughter, Taylor, and his son, Stephen, to include his niece, Chelsea. As Stephen's sister, Danica, says:

> Stephen was like a father to my daughter . . . and Chelsea always looked up to Stephen.

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

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

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

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

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

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

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

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

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

Shortly before Stephen deployed to Iraq with the 2nd I.D., he returned home for 2 weeks to be with his family. During that time, his mother, Stella Maynard, fixed all of Stephen's favorite foods, including her famous cherry delight cake. Each family member let Stephen know how proud they were of

him, while also quietly airing their greatest fears.

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

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

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

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

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

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

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

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

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

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

MISSILE DEFENSE

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

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

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

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

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

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

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

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

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

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

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

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, September 8, 2006.

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

DEAR MR. PRESIDENT: On behalf of the Select Conmnttee on Intelligence, we submit the following unclassified reports, together with additional and minority views, for filing with the Senate: (1) Postwar Findings about Iraq's WMD Programs and Links to Terrorism, and How they Compare with Prewar Assessments and (2) The Use by the Intelligence Community of Information Provided by the Iraqi National Congress.

Senate Resolution 400 of the 94th Congress (1976) charges the Committee with the duty to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to report to the Senate concerning those activities and programs. Pursuant to its responsibilities under Senate Resolution 400, the Committee has undertaken an in-depth examination of the matters described in the reports.

Both reports have been approved by the Committee in both classified and unclassified form. The classified reports are available to Members for reading at the Committee. The classified reports will also be provided to appropriately cleared officials of the Executive branch.

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

Sincerely,

PAT ROBERTS,
Chairman.
JOHN D. ROCKEFELLER IV,
Vice Chairman.

DEFENSE APPROPRIATIONS

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

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

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

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

I was equally pleased that the Senate Armed Services Committee adopted my amendment calling for full funding of the Predators for the Special Operations Command during mark-up of the fiscal year 2007 Defense authorization bill.

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

COMBATING GUN TRAFFICKING

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

These individuals have been charged with making straw purchases of handguns at various gun shops in Norfolk and Portsmouth, VA, and transporting them to New York City, where they were allegedly sold on the streets at a significant markup. Straw purchases are transactions that violate Federal law in which one individual submits to the required Federal background check for a gun that is clearly intended for use by someone else. Such purchasers play a crucial role in the illegal trafficking of guns by purchasing with the intention of reselling them to prohibited buyers. The alleged conspiracy, which took place from September 2004 through June 2005, was first uncovered in 2004 when New York City police officers began making undercover purchases of firearms from this organization on the streets. The guns were traced back to gun shops in Virginia where the original straw purchases are said to have taken place. More than 50 guns were involved.

Gun trafficking has also been a problem in my home State of Michigan. According to an Americans for Gun Safety analysis of ATF trace data from 1996—1999, over 40 percent of the guns traced to crimes committed in Michigan in 1998 and 1999 originated in other States, a much higher rate than the national average. The largest number of out of State suppliers of guns to Michigan during that period were in Ohio, Kentucky, Georgia, and Alabama.

These statistics demonstrate the length to which criminals are willing to go to circumvent our gun laws. This kind of activity can be stopped by vigorously enforcing our gun laws, providing law enforcement with stronger tools to crack down on gun trafficking, on corrupt gun dealers and other armed criminals, and by passing sensible gun safety legislation.

I commend the hard work of the Bureau of Alcohol, Tobacco, Firearms and Explosives and other Federal, State and local law enforcement officers. Vigorous law enforcement is an integral part of reducing gun violence.

IN MEMORIAM OF CONGRESSMAN BOB MATHIAS

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

Bob Mathias was born in Tulare, CA, on November 17, 1930. Mr. Mathias attended and graduated from Tulare Union High School in 1948. In 1953, he graduated with his bachelor of arts degree from Stanford University, and in 1954 he enlisted in the U.S. Marine Corps, where he rose to the rank of second lieutenant. In 1966, he was elected to the U.S. House of Representatives for the 18th Congressional District that also included his hometown of Tulare, and continued his service until 1974.

By all accounts such impressive accomplishments would be considered aspects of a fruitful life. However, Mr. Mathias was also a gifted athlete. Mr. Mathias' athletic career was laden with accomplishments, including consecutive gold medals in the Olympic decathlons, four national Amateur Athletic Union—AAU—championships, and three world records in the decathlon. Seventeen-year-old Bob Mathias first competed in the 1948 London Summer Olympics, only months after picking up the sport. He became the youngest Olympic gold medalist, winning the decathlon. His meteoritic rise in 1948 led to his depiction on the cover of LIFE magazine and the Sullivan Award for Athlete of the Year from the AAU. At the 1952 Helsinki games, Mr. Mathias again won the gold medal in the decathlon, and continued to make history as the first person to ever win consecutive Olympic decathlons. That same year Bob Mathias was named the Associated Press Male Athlete of the Year recognition of his feats on the track and on the football field. Mr. Mathias was also a member of the 1952 Stanford football team, playing an integral part of that team that went on to the 1952 Rose Bowl.

His athleticism and accomplishments earned him a place in the U.S. Olympic Hall of Fame, as well as the National Track and Field Hall of Fame. He also went on to guide younger generations of athletes as the Director of the U.S. Olympic Training Center in Colorado Springs, the National Fitness Foundation, and the American Kids Sports Association.

Throughout his life, Congressman Mathias remained a humble man, true to his roots, dedicated to his family and his country, unfazed by fame. As a young child, Mr. Mathias battled anemia and other illnesses. His perseverance in athletics and academics despite these problems no doubt prepared him for his work later in life. After his athletic career and service in the Marine Corps, Bob Mathias served as a goodwill ambassador for youth programs on behalf of the U.S. Department of State. His service to his country continued in his dedication to the constituents of the 18th Congressional District.

Congressman Mathias is survived by his wife Gwen; his 4 daughters, Romel, Megan, Marissa, and Alyse; his son Reiner; his 10 grandchildren; his sister Patricia; and his two brothers, Jim and Eugene. I extend my deepest sympathies to his family.

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

FASD AWARENESS DAY

Ms. MURKOWSKI. Mr. President, tomorrow is the ninth day of the ninth month, a day designated as International Fetal Alcohol Spectrum Awareness Day. I rise today to state

that it is imperative that we continue to spread the word that no amount of alcohol is safe to consume during the 9 months of pregnancy. By continuing to raise awareness, we can hopefully minimize the harm that drinking during pregnancy causes our most vulnerable population—our children.

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

In my State of Alaska, I am proud that events are occurring in Juneau, Anchorage, and Fairbanks. Citizens from my State are raising awareness about the dangers of drinking during pregnancy though a variety of events, such as passing out brochures with preventative messages to physicians' offices, delivering cocktail napkins to area bars with a message stamped on them that reminds pregnant women to not drink, and conducting high school assemblies which teach students about the dangers of alcohol on the developing fetus.

As we all know, FASD is 100 percent preventable, yet it remains a leading cause of nonhereditary mental retardation in the United States. Many children affected by maternal drinking during pregnancy have irreversible conditions—including severe brain damage—that cause permanent, lifelong disability.

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

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

Despite these troubling figures, FASD is still widely under diagnosed, misdiagnosed, or not diagnosed at all. Diagnosis is critical because many persons with FASD can overcome learning and behavioral problems and succeed but only with appropriate health, social, and educational resources.

The cost of FASD is high—more than $3 billion each year in direct health care costs. The indirect financial and social costs are also great—including the cost of specialized health care, education, job training, and general support services.

That is why prevention is so imperative. Prevention of FASD is seven times more cost effective than treating the disorder. But more importantly, abstaining from alcohol during pregnancy will save a family a lifetime of heartache and will prevent the greatest loss of all that of human potential.

Senator TIM JOHNSON and I have introduced the Advancing FASD Research, Prevention, and Services Act. Our bill will develop targeted State and community-based outreach programs and will improve current support services for families who are living with FASD. It will also improve coordination among Federal agencies involved in FASD treatment and research by establishing stronger communication with these programs. Lastly, it will strengthen educational outreach efforts to doctors, teachers, judges, and others whose work puts them in contact with people with FASD. I ask my colleagues to support the Advancing FASD, Research, Prevention and Services Act.

Mr. President, tomorrow, on Fetal Alcohol Awareness Day, let us pause to remember the innocent babies inflicted with this disorder and then let us imagine the potential that these babies could have attained but for the damage done by alcohol.

CONGRESS MUST STRENGTHEN WHISTLEBLOWER PROTECTIONS

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

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

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

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

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

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

Congress has the responsibility to guarantee strong and meaningful protections for Federal whistleblowers.

Federal employees must know they will not face retaliation when disclosing information that protects our national security, safeguards the health of our children, or saves taxpayer dollars.

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

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

ADDITIONAL STATEMENTS

HONORING POLICE CHIEF GARY MARTIN

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

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

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

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

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

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

HONORING INDIANA STATE POLICE LIEUTENANT GARY DUDLEY

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

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

Lieutenant Dudley started his State police career as a trooper in 1979 and was promoted to sergeant in 1991, when he transferred to the training division. He was appointed commander of the Indiana State Police Recruit Academy in 1993. He devoted all of his energy to protecting and serving his community and to caring for his colleagues and their families in their time of need. He is survived by his wife Carolyn, his father Orsel Dudley, and a brother, Danny Dudley.

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

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

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

THIS 45TH ANNIVERSARY CELEBRATION

• Mr. LEAHY. Mr. President, I would like to congratulate The Hospitality and Information Service, THIS, of Washington, DC, on its 45th anniversary. Since 1961 THIS volunteers have welcomed diplomats and their families to Washington, providing friendship, assistance and an understanding of Washington and the United States.

THIS is a nonprofit organization that was established in 1961 at the suggestion of Angie Biddle, then Chief of Protocol, to help the hundreds of newly arrived diplomats and their families adjust to Washington. In 1961 there were 101 Embassies with 1,200 diplomatic families. Today embassies total more than 170 with 4,000 diplomats and families in Washington. THIS' 400 volunteers provide a variety of services and programs to help diplomats and their families learn about Washington through English and seven foreign language conversation groups and a book club. Programs include forums for discussion of issues that are world-wide in scope, such as health, human rights and education. They also conduct programs on government affairs, performing arts, architecture and American history.

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

''I would like to thank THIS for the wonderful work that you do and for your warm and friendly attention.'' Miriam Barak—Israel

''I express both my pleasure and my gratitude to the THIS organization as a whole. THIS is a wonderful vehicle by which the best of America is portrayed. Such an organization can only be an influential force for good.'' Ann Robinson—Great Britain

''THIS is a fantastic organization. It makes me feel very welcomed and comfortable . . . THIS has given me better understanding of the U.S. life and society and also given me some new good American friends.'' Ingela Beiming—Sweden

''THIS is a window that opens Washington for us and lets us experience and know it. It opens opportunities to meet different people.'' Marilia Bulhoes—Brazil

Congratulations to THIS and its volunteers on 45 years of service to the diplomatic community.●

RECOGNIZING BIG BROTHERS BIG SISTERS OF NORTHEAST INDIANA

● Mr. BAYH. Mr. President, today I wish to pay tribute to the remarkable achievement of Big Brothers Big Sisters of Northeast Indiana, which was named ''National 2006 Agency of the Year'' by Big Brothers Big Sisters of America this summer.

This honor was achieved through the hard work and persistence of the entire staff, board of directors, Bigs, Littles, donors and other stakeholders. Headquartered in Fort Wayne, IN, the agency was established in August 1972 and continues to assist young adolescents who lack guidance and support by creating positive and enduring relationships between youth and adults and by supporting those relationships with appropriate screening, training and supervision. Presently, more than 1,100 area youth participate in Big Brothers Big Sisters programs in 10 Indiana counties and 2 Michigan counties.

Several factors contributed to the agency receiving this year's award. During the past 5 years, it has grown exponentially in many areas, from expanding the region it helps to increasing the length of the matches it provides, which grew by almost 120 percent between 2001 and 2005. The number of participating adult volunteers has increased by 90 percent since 2003, and the time taken to enroll those volunteers has been decreased by 60 days over the course of last 2 years, allowing more Bigs to be matched with more Littles, thereby fulfilling the Big Brothers Big Sisters mission of helping children to reach their potential through professionally supported one-to-one relationships with measurable impact.

In addition to being recognized as the National 2006 Agency of the Year, Big Brothers Big Sisters of Northeast Indiana was also a finalist in the categories of Board of the Year and Chief Executive Officer of the Year—the only agency to achieve this distinction. It should also be noted that all of these nominations were in the ''Large'' category, yet the Fort Wayne agency was considered mid-sized only a few years ago. Since that time, the organization's growth in programs and quality have bolstered it to the top among BBBS agencies in large metropolitan markets.

I have supported Federal funding for agency programs like the Amachi program, which pairs faith-based mentors in one-to-one matches with children of incarcerated parents, as well as its Lunch Buddies program, which pairs elementary school students with caring adult mentors for weekly lunch visits at the children's schools.

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

MESSAGE FROM THE HOUSE

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

H.R. 503. An act to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

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

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, HEFLEY, SAXTON, MCHUGH, EVERETT, BARTLETT of Maryland, THORNBERRY, HOSTETTLER, JONES of North Carolina, RYUN of Kansas, GIBBONS, HAYES, CALVERT, SIMMONS, Mrs. DRAKE, Messrs. DAVIS of Kentucky, SKELTON, SPRATT, ORTIZ, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, REYES, SNYDER, SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mrs. TAUSCHER, Messrs. BRADY of Pennsylvania, and ANDREWS.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. HOEKSTRA, LAHOOD, and Ms. HARMAN.

From the Committee on Education and the Workforce, for consideration of sections 571 and 572 of the House bill, and sections 571, 572, 1081, and 1104 of the Senate amendment, and modifications committed to conference: Messrs. MCKEON, KLINE, and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of sections 314, 601, 602, 710, 3115, 3117, and 3201 of the House bill, and sections 332–335, 352, 601, 722, 2842, 3115, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, GILLMOR, and DINGELL.

From the Committee on Government Reform, for consideration of sections 343, 721, 811, 823, 824, 1103, 1104, and 3115 of the House bill, and sections 371, 619, 806, 823, 922, 1007, 1043, 1054, 1088, 1089, 1101, and 3115 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SHAYS, and WAXMAN.

From the Committee on Homeland Security, for consideration of section 1026 of the House bill, and section 1044 of the Senate amendment, and modifications committed to conference: Messrs. KING of New York, REICHERT, and THOMPSON of Mississippi.

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

From the Committee on the Judiciary, for consideration of section 1021 of the House bill, and sections 666, 1044, 1086, 1089, 1091, and 1094 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, COBLE, and CONYERS.

From the Committee on Resources, for consideration of sections 601, 602, and 1036 of the House bill, and section 601 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, WALDEN of Oregon, and GRIJALVA.

From the Committee on Science, for consideration of sections 312 and 911 of the House bill, and sections 333, 874, and 1082 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, SODREL, and GORDON.

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

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

From the Committee on Veterans Affairs, for consideration of sections 666, 682, 683, 687, 721, and 923 of the Senate

amendment, and modifications committed to conference: Messrs. BUYER, BOOZMAN, and Ms. HERSETH.

MEASURES PLACED ON THE CALENDAR

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

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

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

S. 3874. A bill to provide in statute for the 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''.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 503. An act to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

Report to accompany S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds (Rept. No. 109–329).

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

Special Report entitled ''The Use by the Intelligence Community of Information Provided by the Iraqi National Congress.'' (Rept. No. 109–330). Additional and Minority views filed.

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

Special Report entitled ''Postwar Findings About Iraq's WMD Programs and Linds to Terrorism and How They Compare with Prewar Assessments'' (Rept. No. 109–331). Additional and Minority views filed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. INHOFE:

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

By Mr. INHOFE (for himself, Mrs. FEINSTEIN, Mr. THUNE, and Mr. ISAKSON):

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

By Mr. ISAKSON (for himself and Mr. LAUTENBERG):

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

By Mr. KYL (for himself, Mr. DEWINE, Mr. CORNYN, and Mr. SANTORUM):

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

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CHAFEE (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY):

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

By Mr. INHOFE (for himself and Mr. NELSON of Nebraska):

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

By Mr. DEWINE (for himself and Mr. KOHL):

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

ADDITIONAL COSPONSORS

S. 666

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 1934

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

S. 2010

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

S. 2250

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

S. 2592

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

S. 2643

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

S. 3239

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

S. 3456

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

S. 3496

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

S. 3696

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3696, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from

Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3768

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. JEFFORDS), the Senator from Illinois (Mr. DURBIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Nebraska (Mr. HAGEL) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 3768, a bill to prohibit the procurement of victim-activated landmines and other weapons that are designed to be victim-activated.

S. 3774

At the request of Mr. BOND, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Virginia (Mr. ALLEN) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 3774, a bill to amend title 18, United States Code, to prohibit the unauthorized disclosure of classified information.

S. 3788

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SANTORUM) 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. 3807

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

S. 3871

At the request of Mr. THUNE, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of 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.

S. RES. 537

At the request of Mr. FRIST, his name was added as a cosponsor of S. Res. 537, a resolution supporting the National Sexual Assault Hotline and commending the Hotline for counseling and supporting more than 1,000,000 callers.

AMENDMENT NO. 4915

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

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself, Mrs. FEINSTEIN, Mr. THUNE, and Mr. ISAKSON):

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

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

The legislation we introduce today would: clarify that it is a crime to damage or interfere with an ''animal enterprise''—which includes legitimate companies and non-profit organizations that use animals for education, research or testing; expand Federal law to also make it illegal to harm or cause property loss to anyone connected with an animal enterprise;

Criminalize threats, harassment, and other illegal activity that uses interstate commerce to intentionally cause fear of death or injury to anyone connected with an animal enterprise;

Establish graded penalties of up to 20 years depending on the financial damage or level of bodily injury caused by such illegal conduct, and up to life imprisonment if death results; establish that a convicted animal enterprise terrorist can also be ordered as restitution to pay the animal enterprise's cost of repeating experiments and other losses resulting from the criminal conduct; and clarify that all legitimate protest activities protected by the First Amendment are exempted out from any prosecution under the bill.

The need for this bill is obvious.

On June 30 of this year, extremist activists, acting in the name of animal rights, attempted to firebomb a Los Angeles home thought to belong to a prominent UCLA primate researcher.

The home actually belonged to a 70-year-old woman, and thankfully, the device did not ignite. But the desired impact was nonetheless achieved.

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

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

Unfortunately, similar incidents have occurred throughout the State of California for several years, including the two bombs placed at the Emeryville offices of Chiron Corporation, a pharmaceutical company in the Bay area, that employs 4400 employees as our Nation's 2nd largest manufacturer of flu vaccines.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

At the same time, however, this legislation confronts these terrorist threats in manner that gives due protections under the First Amendment.

I fully recognize that peaceful picketing and public demonstrations against animal testing should be recognized as part of our valuable and sacred right to free expression.

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

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

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

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

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

I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

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

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

S. RES. 562

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

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

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

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

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

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

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

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

Whereas the Sharps stayed in Czechoslovakia until August 30, 1939, 1 day before Gestapo agents came to arrest Martha Sharp, who had become known for her boldness at evading Nazi rules restricting travel;

Whereas upon the Sharps' return in 1940 to their family and the Wellesley Hills Unitarian Church in Massachusetts, their report to the American Unitarian Association about the imminent danger posed by the Nazis to refugees across Europe led to the Sharps being asked to establish a similar operation in France under the newly founded Unitarian Service Committee;

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

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

Whereas the famous Jewish novelist, Lion Feuchtwanger, who was one of the first Germans to have his citizenship revoked after Hitler came to power and whose name topped the Gestapo's ''Surrender on Demand'' list, was one of the first people the Sharps helped in a dramatic and dangerous escape from France;

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

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

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

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

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

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

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

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

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

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

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

Resolved, That the Senate—

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

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

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

(4) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Joukowsky family of Providence, Rhode Island, the direct descendants of the Reverend Waitstill Sharp and Martha Sharp,

and to the Unitarian Universalist Service Committee of Cambridge, Massachusetts.

SENATE RESOLUTION 564—DESIGNATING SEPTEMBER 13, 2006, AS ''NATIONAL CELIAC DISEASE AWARENESS DAY''

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

S. RES. 563

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

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

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

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

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

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

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

Whereas, according to a study, 60 percent of children and 41 percent of adults diagnosed with celiac disease were asymptomatic;

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

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

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

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

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

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

Resolved, That the Senate—

(1) designates September 13, 2006, as ''National Celiac Disease Awareness Day'';

(2) recognizes that all people of the United States should become more informed and aware of celiac disease;

(3) calls upon the people of the United States to observe the date with appropriate ceremonies and activities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Celiac Sprue Association, the American Celiac Society, the Celiac Disease Foundation, the Gluten Intolerance Group of North America, and the Oklahoma Celiac Support Group.

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

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

S. RES. 564

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

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

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

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

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

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

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

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

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

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

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

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

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

Resolved, That the Senate—

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

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

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

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

AMENDMENTS SUBMITTED AND PROPOSED

SA 4922. Mr. MCCAIN (for himself, Ms. SNOWE, Mr. DEWINE, Mr. BIDEN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

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

TEXT OF AMENDMENTS

SA 4922. Mr. MCCAIN (for himself, Ms. SNOWE, Mr. DEWINE, Mr. BIDEN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4954, to improve maritime and cargo security through

enhanced layered defenses, and for other purposes; as follows:

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

TITLE ____—RAIL SECURITY ACT OF 2006

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Rail Security Act of 2006''.

SEC. ___02. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY ASSESSMENT.—The Under Secretary of Homeland Security for Border and Transportation Security (referred to in this title as the ''Under Secretary''), in consultation with the Secretary of Transportation, shall conduct a vulnerability assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code), which shall include—

(A) identification and evaluation of critical assets and infrastructures;

(B) identification of threats to those assets and infrastructures;

(C) identification of vulnerabilities that are specific to the transportation of hazardous materials via railroad; and

(D) 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.

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

(3) RECOMMENDATIONS.—Based on the assessment conducted under this subsection, the Under Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Under Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Under Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, 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 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.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment required by subsection (a), the Under Secretary 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 (including those within other agencies and offices within the Department of Homeland Security), and other relevant parties.

(c) REPORT.—

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

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

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

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

(2) FORMAT.—The Under Secretary may submit the report in both classified and redacted formats if the Under Secretary determines that such action is appropriate or necessary.

(d) 2-YEAR UPDATES.—The Under Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations every 2 years 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) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary $5,000,000 for fiscal year 2007 to carry out this section.

SEC. ___03. RAIL SECURITY.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended by 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 Under Secretary, shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. ___04. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

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

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

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

SEC. ___05. PASSENGER, BAGGAGE, AND CARGO SCREENING.

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

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

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

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

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

(b) PILOT PROGRAM.—As part of the study conducted under subsection (a), the Under Secretary shall complete a pilot program of random security screening of passengers and baggage at 5 passenger rail stations served by Amtrak, which shall be selected by the Under Secretary. In conducting the pilot program under this subsection, the Under Secretary shall—

(1) test a wide range of explosives detection technologies, devices, and methods;

(2) require that intercity rail passengers produce government-issued photographic identification, which matches the name on the passenger's tickets before the passenger boarding a train; and

(3) attempt to give preference to locations at the highest risk of terrorist attack and achieve a distribution of participating train stations in terms of geographic location, size, passenger volume, and whether the station is used by commuter rail passengers and Amtrak passengers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary to carry out this section $5,000,000 for fiscal year 2007.

SEC. ___06. CERTAIN PERSONNEL LIMITATIONS NOT TO APPLY.

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

SEC. ___07. FIRE AND LIFE-SAFETY IMPROVEMENTS.

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

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) 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—

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

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

(C) $100,000,000 for fiscal year 2009; and

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

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $10,000,000 for fiscal year 2007;

(B) $10,000,000 for fiscal year 2008;

(C) $10,000,000 for fiscal year 2009; and

(D) $17,000,000 for fiscal year 2010.

(3) For the Washington, DC Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

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

(B) $8,000,000 for fiscal year 2008;

(C) $8,000,000 for fiscal year 2009; and

(D) $8,000,000 for fiscal year 2010.

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

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

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(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 under this section, the Secretary has approved a project management plan prepared by Amtrak that appropriately addresses—

(A) project budget;

(B) construction schedule;

(C) recipient staff organization;

(D) document control and record keeping;

(E) change order procedure;

(F) quality control and assurance;

(G) periodic plan updates;

(H) periodic status reports; and

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

(f) REVIEW OF PLANS.—

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

(2) INCOMPLETE PLANS.—If the Secretary determines that a plan is incomplete or deficient—

(A) the Secretary shall notify Amtrak of the incomplete items or deficiencies; and

(B) not later than 30 days after receiving the Secretary's notification under subparagraph (A), Amtrak shall submit a modified plan for the Secretary's review.

(3) REVIEW OF MODIFIED PLANS.—Not later than 15 days after receiving additional information 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 and the Committee on Transportation and Infrastructure of the House of Representatives that identifies the portions of the plan the Secretary finds incomplete or deficient;

(ii) approve all other portions of the plan;

(iii) obligate the funds associated with those other portions; and

(iv) execute an agreement with Amtrak not later than 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary of Transportation shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak 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 of the tunnels, if feasible.

SEC. ___08. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute a memorandum of agreement governing the roles and responsibilities of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking ''railroad safety'' and inserting ''railroad safety, including security,''.

SEC. ___09. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

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

''§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

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

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

''(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The 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 within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

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

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

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

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

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

''(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release to any person information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

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

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''Sec. 24316. Plans to address needs of families of passengers involved in rail passenger accidents.''.

SEC. ___10. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c), the Under Secretary may award grants, through the Secretary of Transportation, to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, D.C.;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Under 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; and

(7) to expand emergency preparedness efforts.

(b) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak for projects under subsection (a) unless—

(1) the projects are contained in a systemwide security plan approved by the Under Secretary, in consultation with the Secretary of Transportation;

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

(3) the plan includes appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Under Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized under this section.

(d) AVAILABILITY OF FUNDS.—There are authorized to be appropriated to the Under Secretary $63,500,000 for fiscal year 2007 for the

purposes of carrying out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. ___11. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

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

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

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

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

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

(5) structural modification or replacement of rail cars 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 under section 402(c), including infrastructure, facilities, and equipment upgrades.

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

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

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 410(b).

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless the Under Secretary determines, as a result of the assessment required by section 402, 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) in excess of $65,000,000 to Amtrak; or

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

(f) HIGH HAZARD MATERIALS DEFINED.—In this section, the term ''high hazard materials'' means poison inhalation hazard materials, class 2.3 gases, class 6.1 materials, and anhydrous ammonia.

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

SEC. ___12. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Transportation may use not more than 0.5 percent of amounts made available to Amtrak for capital projects under this title—

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

(2) to oversee construction of such projects.

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

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

SEC. ___13. RAIL SECURITY RESEARCH AND DEVELOPMENT.

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

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

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

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

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

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

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

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

(6) other projects recommended in the report required under section 402.

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

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

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

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

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

SEC. ___14. WELDED RAIL AND TANK CAR SAFETY IMPROVEMENTS.

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

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

(2) instruct Administration track inspectors to obtain copies of the most recent continuous welded rail programs of each railroad within the inspectors' areas of responsibility and require that inspectors use those programs when conducting track inspections; and

(3) establish a program to—

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

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

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

(1) not later than 1 year after the date of the enactment of this Act, validate the predictive model it is developing to quantify the relevant dynamic forces acting on railroad tank cars under accident conditions; and

(2) not later than 18 months after the date of the enactment of this Act, initiate a rulemaking to develop and implement appropriate design standards for pressurized tank cars.

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

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

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains recommendations for measures to eliminate or mitigate the risk of catastrophic failure.

SEC. ___15. NORTHERN BORDER RAIL PASSENGER REPORT.

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

(1) a description of the current system for 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; and

(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.

SEC. ___16. REPORT REGARDING IMPACT ON SECURITY OF TRAIN TRAVEL IN COMMUNITIES WITHOUT GRADE SEPARATION.

(a) STUDY.—The Secretary of Homeland Security, in consultation with State and local government officials, shall conduct a study on the impact of blocked highway-railroad grade crossings on the ability of emergency responders, including ambulances and police, fire, and other emergency vehicles, to perform public safety and security duties in the event of a terrorist attack.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(1) the findings of the study conducted under subsection (a); and

(2) recommendations for reducing the impact of blocked crossings on emergency response.

SEC. ___17. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following:

''§ 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 perceived threat to security; or

''(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a perceived threat to security; or

''(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

''(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under such section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after the filing date. If the violation is a form of discrimination that does not involve discharge, suspension, or 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) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section without the written consent of the employee.

''(2) ENFORCEMENT.—The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) if the matter is referred to the Attorney General for enforcement.''.

(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:

''Sec. 20116. Whistleblower protection for rail security matters.''.

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

At the appropriate place, insert the following:

SEC. ___. CARGO SCREENING.

(a) RADIATION RISK REDUCTION.—The Secretary of Homeland Security shall make every effort to protect maritime workers and the general public by reducing exposure to ionizing and non-ionizing radiation to the lowest levels feasible while conducting cargo screening activities.

(b) GOVERNMENT RESPONSIBILITY.—

(1) INDEMNIFICATION.—Any person who is injured by ionizing or non-ionizing radiation resulting from cargo screening conducted pursuant to Federal law may not bring a claim for such injury against the employer of such person under Federal or State law if the employer was not the operator of the cargo screening equipment.

(2) SAVINGS PROVISION.—Nothing in this subsection shall be construed to limit the liability of, or create liability for, any third party other than employers.

PRIVILEGES OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that Pamela Friedmann, who is a fellow from the Transportation Security Administration, be granted privileges of the floor during the consideration of H.R. 4954.

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

On Thursday, September 7, 2006, the Senate passed H.R. 5631, as follows:

H.R. 5631

Resolved, That the bill from the House of Representatives (H.R. 5631) entitled ''An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $29,080,473,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,186,011,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $9,246,696,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $22,940,686,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,304,247,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,760,676,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $535,438,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,329,278,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,258,080,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,369,255,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $23,980,180,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,129,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $30,779,084,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,739,862,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $30,053,427,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $19,919,175,000: Provided, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading, not less than $27,037,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,158,278,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,275,764,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $208,811,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,624,300,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel

expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,655,565,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,008,392,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $11,721,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $413,794,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $304,409,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $423,871,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $18,431,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $282,790,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2557, and 2561 of title 10, United States Code), $63,204,000, to remain available until September 30, 2008.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $372,128,000, to remain available until September 30, 2009: Provided, That of the amounts provided under this heading, $15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $3,354,729,000, to remain available for obligation until September 30, 2009.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,266,967,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,092,297,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,948,489,000, to remain available for obligation until September 30, 2009.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 3 vehicles

required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $7,724,878,000, to remain available for obligation until September 30, 2009.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $10,135,249,000, to remain available for obligation until September 30, 2009.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $2,558,020,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $799,943,000, to remain available for obligation until September 30, 2009.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $784,143,000;

NSSN, $1,775,472,000;

NSSN (AP), $676,582,000;

CVN Refuelings, $954,495,000;

CVN Refuelings (AP), $117,139,000;

SSBN Submarine Refuelings, $189,022,000;

SSBN Submarine Refuelings (AP), $37,154,000;

DD(X), $2,568,111,000;

DDG–51 Destroyer, $355,849,000;

LCS, $300,670,000;

LPD–17 (AP), $297,492,000;

LHA–R, $1,135,917,000;

T–AGS Oceanographic Survey Ship, $117,000,000;

LCAC Landing Craft Air Cushion, $110,692,000;

Prior year shipbuilding costs, $557,849,000;

Service Craft, $45,245,000; and

For outfitting, post delivery, conversions, and first destination transportation, $370,643,000.

In all: $10,393,475,000, to remain available for obligation until September 30, 2011: Provided, That additional obligations may be incurred after September 30, 2011, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 10 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,731,831,000, to remain available for obligation until September 30, 2009.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,151,318,000, to remain available for obligation until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,096,406,000, to remain available for obligation until September 30, 2009.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $3,975,407,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,046,802,000, to remain available for obligation until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $15,510,286,000, to remain available for obligation until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 5 vehicles required for physical security of personnel, notwithstanding prior limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $2,763,071,000, to remain available for obligation until September 30, 2009.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $340,000,000, to remain available for obligation until September 30, 2009: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $68,884,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,245,040,000, to remain available for obligation until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,048,238,000, to remain available for obligation until September 30, 2008: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $23,974,081,000, to remain available for obligation until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,543,393,000, to remain available for obligation until September 30, 2008.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $187,520,000, to remain available for obligation until September 30, 2008.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,345,998,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $616,932,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

For the Pentagon Reservation Maintenance Revolving Fund, $18,500,000, to remain available until September 30, 2011.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $21,409,863,000, of which $20,544,605,000 shall be for Operation and maintenance, and of which up to $10,887,784,000 may be available for contracts entered into under the TRICARE program; of which $397,355,000, to remain available for obligation until September 30, 2009, shall be for Procurement; and of which $467,903,000, to remain available for obligation until September 30, 2008, shall be for Research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,277,304,000, of which $1,046,290,000 shall be for Operation and maintenance; $231,014,000 shall be for Research, development, test and evaluation, of which $215,944,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2008; and no less than $111,283,000 may be for the Chemical Stockpile Emergency Preparedness Program, of which $41,074,000 shall be for activities on military installations and of which $70,209,000, to remain available until September 30, 2008, shall be to assist State and local governments.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $978,212,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $216,297,000, of which $214,897,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,400,000, to remain available until September 30, 2009, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $256,400,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $597,011,000, of which $36,268,000 for the Advanced Research and Development Committee shall remain available until September 30, 2008: Provided, That the Director of National Intelligence shall, utilizing amounts appropriated by this heading, prepare as soon as practicable but not later than 90 days after the date of enactment of this Act, a new National Intelligence Estimate on prospects for security and stability in Iraq, which shall address such matters as the Director of National Intelligence considers appropriate, including (1) an assessment of whether Iraq is succeeding in creating a stable and effective unity government, and the likelihood that government will address the concerns of the Sunni community, (2) the prospects for Iraq's ethnic, religious and tribal divisions, (3) the prospects for controlling severe sectarian violence that could lead to civil war, (4) an assessment whether Iraq is succeeding in standing up effective security forces, including an assessment of (A) the extent to which militias are providing security in Iraq, and (B) the extent to which the Government of Iraq has developed and implemented a credible plan to disarm and demobilize and reintegrate militias into government security forces and is working to obtain a political commitment from political parties to ban militias, and (5) the prospects for economic reconstruction and the impact that will have on security and stability: Provided further, That the Director of National Intelligence shall submit to Congress the National Intelligence Estimate prepared under the preceding proviso and this document shall be submitted in classified form, except that, consistent with the protection of intelligence sources and methods, an unclassified summary of key judgments of the National Intelligence Estimate should be submitted: Provided further, That if the Director of National Intelligence is

unable to submit the National Intelligence Estimate by the date specified in the preceding proviso, the Director shall submit to Congress, not later than that date, a report setting forth the reasons for being unable to do so and the date on which such National Intelligence Estimate will be provided.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2007: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

C–17 Globemaster;

F–22A;

MH–60R Helicopters;

MH–60R Helicopter mission equipment; and

V–22 Osprey.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2007, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2008 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2008 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2008.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8014. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract;

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code; 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.

(b) EXCEPTIONS.—

(1) The Department of Defense, without regard to subsection (a) of this section or subsections (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8018. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federalemployee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8019. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8020. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code: Provided further, That, during the current fiscal year and hereafter, businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8021. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8022. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8023. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8024. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8025. (a) Of the funds made available in this Act, not less than $35,975,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $25,087,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $10,193,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $695,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8026. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of

such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2007 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2007, not more than 5,517 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,050 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2008 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $53,200,000.

SEC. 8027. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8028. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives. In addition, for any matter pertaining to basic allowance for housing, facilities sustainment, restoration and modernization, environmental restoration and the Defense Health Program, ''congressional defense committees'' also means the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives.

SEC. 8029. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8030. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2007. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8031. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8032. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8033. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8034. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8035. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2008 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2008 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2008 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8036. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2008: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2008.

SEC. 8037. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8038. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8039. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8040. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8041. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8042. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the report of the Committee on Appropriations of the Senate accompanying this Act.

(RESCISSIONS)

SEC. 8043. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Other Procurement, Army, 2006/2008'', $20,000,000;

''Aircraft Procurement, Navy, 2006/2008'', $40,700,000;

''Shipbuilding and Conversion, Navy, 2006/2010'', $220,000,000;

''Aircraft Procurement, Air Force, 2006/2008'', $141,100,000;

''Missile Procurement, Air Force, 2006/2008'', $100,000,000;

''Other Procurement, Air Force, 2006/2008'', $125,000,000;

''Research, Development, Test and Evaluation, Navy, 2006/2007'', $27,282,000;

''Research, Development, Test and Evaluation, Air Force, 2006/2007'', $92,800,000;

''Research, Development, Test and Evaluation, Defense-Wide, 2006/2007'', $100,000,000;

''Aircraft Procurement, Air Force, 2005/2007'', $107,200,000; and

''Shipbuilding and Conversion Navy, 2005/2009'', $11,245,000.

SEC. 8044. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8045. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8046. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8047. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8048. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8049. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8050. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8051. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8052. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year and hereafter for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8053. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8054. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8055. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8056. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8057. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8058. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8059. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8060. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8061. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8062. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government.

SEC. 8063. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8064. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8065. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8066. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8067. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8068. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8069. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8070. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS

WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include a statement confirming that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information technology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8071. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8072. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32 may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8073. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8074. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8075. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8076. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8077. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $78,300,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8078. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2007.

SEC. 8079. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.

SEC. 8080. Amounts appropriated in title II of this Act are hereby reduced by $92,000,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

(1) From ''Operation and Maintenance, Army'', $5,000,000.

(2) From ''Operation and Maintenance, Air Force'', $87,000,000.

SEC. 8081. The total amount appropriated or otherwise made available in this Act is hereby reduced by $71,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

''Operation and Maintenance, Army'', $32,000,000.

''Operation and Maintenance, Navy'', $34,000,000.

''Operation and Maintenance, Marine Corps'', $5,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8082. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $152,494,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, $63,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures, and $25,000,000 shall be available for the purpose of the initiation of a joint feasibility study designated the Short Range Ballistic Missile Defense (SRBMD) initiative: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8083. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $557,849,000 shall be available until September 30, 2007, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading ''Shipbuilding and Conversion, Navy, 1999/2007'':

New SSN, $25,000,000;

Under the heading ''Shipbuilding and Conversion, Navy, 2000/2007'':

LPD–17 Amphibious Transport Dock Ship Program, $66,049,000;

Under the heading ''Shipbuilding and Conversion, Navy, 2001/2007'':

New SSN, $41,000,000;

Carrier Replacement Program, $338,400,000;

Under the heading ''Shipbuilding and Conversion, Navy, 2002/2007'':

New SSN, $43,000,000;

Under the heading ''Shipbuilding and Conversion, Navy, 2003/2007'':

New SSN, $22,000,000; and

Under the heading ''Shipbuilding and Conversion, Navy, 2005/2009'':

LPD–17 Amphibious Transport Dock Ship Program, $22,400,000.

SEC. 8084. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under section 7622 of title 10, United States Code arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: Provided, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8085. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code for occupations listed in section 7403(a)(2) of title 38, United States Code as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code shall not apply.

SEC. 8086. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2007 until the enactment of the Intelligence Authorization Act for fiscal year 2007.

SEC. 8087. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8088. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon and resupply vehicle program (NLOS–C) in order to field this system in fiscal year 2010, consistent with the broader plan to field the Future Combat System (FCS) in fiscal year 2010: Provided, That if the Army is precluded from fielding the FCS program by fiscal year 2010, then the Army shall develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS–C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: Provided further, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8089. Up to $2,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8090. The budget of the President for fiscal year 2008 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8091. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8092. Of the amounts provided in title II of this Act under the heading ''Operation and Maintenance, Defense-Wide'', $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8093. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8094. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8095. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8096. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(TRANSFER OF FUNDS)

SEC. 8097. The Secretary of Defense may transfer funds from any currently available Department of the Navy appropriation to any available Navy shipbuilding and conversion appropriation for the purpose of funding shipbuilding cost increases for any ship construction program, to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred: Provided, That all transfers under this section shall be subject to the notification requirements applicable to transfers under section 8005 of this Act.

SEC. 8098. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by $85,000,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

SEC. 8099. In addition to funds made available elsewhere in this Act, $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to 2 percent of the total appropriated funds under this section shall be available to support the administration and execution of the funds or program and/or events that promote the purpose of this appropriation (e.g. payment of travel and per diem of school teachers attending conferences or a meeting that promotes the purpose of this appropriation and/or consultant fees for on-site training of teachers, staff, or Joint Venture Education Forum (JVEF) Committee members): Provided further, That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: Provided further, That to the extent a Federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose, if the non-Federal entity requests such assistance and the non-Federal funds are provided on a reimbursable basis.

SEC. 8100. The Secretary of the Air Force is authorized, using funds available under the heading ''Operation and Maintenance, Air

Force'', to complete a phased repair project, which repairs may include upgrades and additions, to the infrastructure of the operational ranges managed by the Air Force in Alaska: Provided, That the total cost of such phased projects shall not exceed $50,000,000.

SEC. 8101. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

SEC. 8102. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the Extended Range Multi-Purpose (ERMP) Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8103. Of the funds provided in this Act, $10,000,000 shall be available for the operations and development of training and technology for the Joint Interagency Training Center-East and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agency, and State and local first responder personnel at the Joint Interagency Training Center-East.

SEC. 8104. The authority to conduct a cooperative program in the proviso in title II of Public Law 102–368 under the heading ''Research, Development, Test and Evaluation, Defense Agencies'' (106 Stat. 1121) shall be extended through September 30, 2008.

SEC. 8105. Up to $10,000,000 of the funds appropriated under the heading, ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8106. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any weeklong national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

SEC. 8107. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions the total amount appropriated in title II of this Act is hereby reduced by $520,300,000, the total amount appropriated in title III of this Act is hereby reduced by $331,600,000, the total amount appropriated in title IV of this Act is hereby reduced by $317,000,000, the total amount appropriated in title V of this Act is hereby reduced by $9,700,000, and the total amount appropriated in title VI of this Act is hereby reduced by $93,700,000: Provided, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8108. (a) LIMITATION ON RETIREMENT PENDING REPORT ON BOMBER FORCE STRUCTURE.—No funds appropriated for the Department of Defense may be obligated or expended for retiring or dismantling any of the 93 B–52H bomber aircraft in service in the Air Force as of June 1, 2006, until 30 days after the Secretary of the Air Force transmits to the congressional defense committees a report on the bomber force structure of the Air Force meeting the requirements of subsection (b).

(b) ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The plan of the Air Force for the modernization of the B–52H bomber aircraft fleet.

(2) The plans of the Air Force for the modernization of the balance of the bomber force structure.

(3) The amount and type of bombers in the bomber force structure that is appropriate to meet the requirements of the national security strategy of the United States.

(4) An analysis and justification of the cost and projected savings of any reductions to the B–52H bomber fleet as a result of the retirement or dismantlement of the B–52H bomber aircraft covered by the report.

(5) The current assessments for the useful life of each of the bomber aircraft in the Air Force inventory under the Aircraft Structural Integrity Program, any flight restrictions against each of the bomber aircraft in the Air Force inventory, and an analysis of any funding required for modifications designed to correct a problem that threatens grounding all or a portion of that aircraft fleet.

(6) The date by which any new bomber aircraft must reach initial operational capability and the capabilities of the bomber force structure that would be replaced or superseded by any new bomber aircraft.

(7) An assessment of the likelihood that the development of a new bomber aircraft will meet the current schedule of reaching initial operational capability by 2018.

(8) An assessment of the risk to national security of retiring a substantial portion of our bomber fleet, including a consideration of the additional risk if the development of a new bomber aircraft does not meet the current schedule of reaching initial operational capability by 2018.

(c) PREPARATION OF REPORT.—A report under this section shall be prepared and submitted by the Institute of Defense Analysis to the Secretary of the Air Force for transmittal by the Secretary in accordance with subsection (a).

(d) FORM.—The report under subsection (a) shall be in unclassified form, but may include a classified annex.

SEC. 8109. Not later than December 31, 2006, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the assessment of the Secretary regarding the Depleted Uranium Sensing and Treatment for Removal program of the Department of Defense.

SEC. 8110. Of the amount appropriated or otherwise made available by title III under the heading ''OTHER PROCUREMENT, ARMY'', up to $2,600,000 may be available for the Virtual Interactive Combat Environment for the New Jersey National Guard.

SEC. 8111. Of the amount appropriated or otherwise made available by title III under the heading ''OTHER PROCUREMENT, NAVY'', up to $3,000,000 may be available for the Man Overboard Identification System (MOBI) program.

SEC. 8112. PROHIBITION ON PAYMENT OF AWARD FEES TO DEFENSE CONTRACTORS IN CASES OF CONTRACT NON-PERFORMANCE.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract.

SEC. 8113. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', up to $10,000,000 may be available to provide the United States Northern Command with an interoperable mobile wireless communications capability to effectively communicate with Federal, State, and local authorities.

SEC. 8114. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $2,000,000 may be available for the Advanced Airship Flying Laboratory.

SEC. 8115. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $2,000,000 may be available for support of design enhancements and continued testing of the Para foil Joint Precision Air Drop System (JPADS) design parachute system for the drop of 5-ton and 15-ton loads to precise locations from high altitude and greater offset distance.

SEC. 8116. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', up to $6,000,000 may be available for Military-Standard-1760 (MIL–STD 1760) integration for the internal weapons bays of B–52 aircraft.

SEC. 8117. Notwithstanding the first section of Public Law 85–804 (50 U.S.C. 1431), in the event a notice on the modification of a contract described in that section is submitted to the Committees on Armed Services of the Senate and the House of Representatives by the Army Contract Adjustment Board during the period beginning on July 28, 2006, and ending on the date of the adjournment of the 109th Congress sine die, such contract may be modified in accordance with such notice commencing on the earlier of—

(1) the date that is 60 calendar days after the date of such notice; or

(2) the date of the adjournment of the 109th Congress sine die.

SEC. 8118. From funds available in this Act, an additional $6,700,000,000 may be available to fund equipment reset requirements resulting from continuing combat operations, including repair, depot, and procurement activities.

SEC. 8119. (a) INTERIM REPORT ON MANAGEMENT OF BIOMETRICS PROGRAM.—Not later than September 8, 2006, the Secretary of Defense shall submit to the congressional defense committees an interim report on the management of the biometrics program of the Department of Defense.

(b) FINAL REPORT.—Not later than October 15, 2006, the Secretary shall submit to the congressional defense committees a final report on the management of the biometrics program of the Department of Defense.

(c) REPORT ELEMENTS.—Each report under this section shall include, current as of the date of such report, the following:

(1) A detailed description of the recommendations of the Defense Science Board regarding the management of the biometrics program of the Department of Defense.

(2) Such recommendations as the Defense Science Board considers appropriate regarding changes of mission for the existing biometrics support officers.

SEC. 8120. (a) JOINT ADVERTISING, MARKET RESEARCH AND STUDIES PROGRAM.—Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $7,500,000 may be available for the Joint Advertising, Market Research and Studies (JAMRS) program.

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

SEC. 8121. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, ARMY'', up to $500,000 may be available for the United States Army Center of Military History to support a traveling exhibit on military experience in World War II.

SEC. 8122. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $1,000,000 may be available for environmental management and compliance information.

SEC. 8123. The Secretary of Defense shall submit to the congressional defense committees, at the same time the budget of the President for fiscal year 2008 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, a report setting forth the following:

(1) A plan to procure medical countermeasures for purposes of treating forward deployed members of the Armed Forces against the lethal effects of acute radiation syndrome, including neutropenia and thrombocytopenia.

(2) An identification of the countermeasures required to protect members of the Armed Forces in the event of a nuclear or bioterrorist attack.

(3) A plan for the forward deployment of the countermeasures identified under paragraph (2), including an assessment of the costs associated with implementing such plan.

SEC. 8124. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', up to $1,500,000 may be available for Commercialization and Industrialization of Adaptive Optics (PE #0602890F).

SEC. 8125. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'' up to $1,000,000 may be available for an integrated, low-cost, low-power Multibeam Side Scan Sonar System for Unmanned Underwater Vehicles (UUVs).

SEC. 8126. Of the amount appropriated or otherwise made available by title III under the heading ''PROCUREMENT OF AMMUNITION, AIR FORCE'', up to $5,000,000 may be available for the procurement of Radiation Hardened Microelectronics (HX5000).

SEC. 8127. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', up to $4,000,000 may be available for the Transportable Transponder Landing System.

SEC. 8128. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, MARINE CORPS RESERVE'', up to $3,500,000 may be available for the Individual First Aid Kit (IFAK).

SEC. 8129. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $8,000,000 may be available for the Advanced Tank Armament System.

SEC. 8130. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $1,000,000 may be available for the development of a Lightweight All Terrain Vehicle (LATV).

SEC. 8131. Of the amount appropriated or otherwise made available by title VI under the heading ''DEFENSE HEALTH PROGRAM'', up to $500,000 may be available for a pilot program on troops to nurse teachers.

SEC. 8132. The aggregate amount available in this Act for expenses of the Department of Defense relating to conferences in fiscal year 2007, including expenses relating to conference programs, staff, travel costs, and other conference matters, may not exceed $70,000,000.

SEC. 8133. (a) POSTING OF CERTAIN REPORTS ON DEPARTMENT OF DEFENSE INTERNET WEBSITE.—Each report described in subsection (b) shall be posted on the Internet website of the Department of Defense for the public not later than 48 hours after the submittal of such report to Congress.

(b) COVERED REPORTS.—The reports described in this subsection are the reports as follows:

Each report required by a provision of this Act to be submitted by the Department of Defense to the Committees on Appropriations of the Senate and the House of Representatives.

(c) REDACTION OF CERTAIN INFORMATION.—In posting a report on the Internet website of the Department under subsection (a), the Secretary of Defense may redact any information whose release to the public would, as determined by the Secretary, compromise the national security of the United States.

SEC. 8134. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall with regard to payments made with funds provided by this Act submit to the congressional defense committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report—

(1) describing risk assessments performed by the Department of Defense on payments made by the Department for travel, as required under section 2 of the Improper Payments Information Act of 2002 (Public Law 107–300; 31 U.S.C. 3321 note);

(2) including an estimate, using statistically valid methods, of improper payments for travel that have been processed by the Defense Finance and Accounting Service (DFAS); and

(3) including an explanation that the methods used to perform risk assessments are statistically valid in accordance with Office of Management and Budget Memorandum 30–13 issued pursuant to the Improper Payments Information Act of 2002 (Public Law 107–300; 31 U.S.C. 3321 note).

SEC. 8135. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $2,500,000 may be available for the Wireless Maritime Inspection System as part of the Smartship Wireless Project of the Navy.

SEC. 8136. Of the amount appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $5,000,000 may be made available for the Virtual Training and Airspace Management Simulation for Unmanned Aerial Vehicles.

SEC. 8137. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $3,000,000 may be available for Small and Medium Caliber Recoil Mitigation Technologies (PE #1160402BB).

SEC. 8138. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $1,000,000 may be available for the Automated Communications Support System for WARFIGHTERS, Intelligence Community, Linguists, and Analysts.

SEC. 8139. No funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

SEC. 8140. (a) REPORTS TO CONGRESS AND NOTICE TO PUBLIC ON EARMARKS IN FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall submit to Congress, and post on the Internet website of the Department of Defense available to the public, information as follows:

(1) A description of each earmark of funds made available to the Department of Defense by this Act, including the location (by city, State, country, and congressional district if relevant) in which the earmarked funds are to be utilized, the purpose of such earmark (if known), and the recipient of such earmark.

(2) The total cost of administering each such earmark including the amount of such earmark, staff time, administrative expenses, and other costs.

(3) The total cost of administering all such earmarks.

(4) An assessment of the utility of each such earmark in meeting the goals of the Department, set forth using a rating system as follows:

(A) A for an earmark that directly advances the primary goals of the Department or an agency, element, or component of the Department.

(B) B for an earmark that advances many of the primary goals of the Department or an agency, element, or component of the Department.

(C) C for an earmark that may advance some of the primary goals of the Department or an agency, element, or component of the Department.

(D) D for an earmark that cannot be demonstrated as being cost-effective in advancing the primary goals of the Department or any agency, element, or component of the Department.

(E) F for an earmark that distracts from or otherwise impedes that capacity of the Department to meet the primary goals of the Department.

(b) EARMARK DEFINED.—In this section, the term ''earmark'' means a provision of law, or a directive contained within a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies the identity of an entity, program, project, or service, including a defense system, to receive assistance not requested by the President and the amount of the assistance to be so received.

SEC. 8141. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $1,000,000 may be available for Program Element 0602787A for blast protection research.

SEC. 8142. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $10,000,000 may be available for the Combat Support Hospital-Mobile Support Hospital.

SEC. 8143. Of the amounts available for the activity described on pages 149 through 159 of Volume VI, Book I of the Fiscal Year 2007 Congressional Budget Justification Book of the Intelligence Community, up to $8,000,000 may be available for personnel for that activity.

SEC. 8144. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 8145. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $10,000,000 may be available for experimentation and refinement of tactics and doctrine in the use of the Class IV unmanned aerial vehicles and ground stations associated with such vehicles.

SEC. 8146. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $10,000,000 may be available for Combat Vehicle and Automotive Technology.

SEC. 8147. Of the amount appropriated or otherwise made available by title III under the heading ''SHIPBUILDING AND CONVERSION, NAVY'', up to $10,000,000 may be available for the Carrier Replacement Program for advance procurement of nuclear propulsion equipment.

SEC. 8148. (a) Except as provided in subsection (b), the Secretary of the Air Force shall, not later than March 31, 2007, submit to the congressional defense committees a cost-benefit analysis of significant proposed realignments or

closures of research and development or test and evaluation installations, activities, facilities, laboratories, units, functions, or capabilities of the Air Force. The analysis shall include an evaluation of missions served and alternatives considered and of the benefits, costs, risks, and other considerations associated with each such proposed realignment or closure.

(b) The requirement under subsection (a) does not apply to realignment and closure activities carried out in accordance with the final recommendations of the Defense Base Closure and Realignment Commission under the 2005 round of defense base closure and realignment.

SEC. 8149. (a) Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $2,000,000 may be available for the Office of Economic Adjustment of the Department of Defense to conduct a traffic study on the improvements that are required to be carried out to the transportation infrastructure around Fort Belvoir, Virginia, to accommodate the increase in the workforce located on and around Fort Belvoir resulting from decisions implemented under the 2005 round of defense base closure and realignment. The study shall incorporate the input of the Virginia Department of Transportation and other State and local governments and agencies.

(b) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the study conducted under subsection (a), including a cost estimate for such improvements and the funding sources, including the Defense Access Road Program, proposed for such improvements.

SEC. 8150. Of the amount appropriated or otherwise made available by title III under the heading ''PROCUREMENT, DEFENSE-WIDE'', up to $12,600,000 may be available for the completion of the final phase of the activity described on pages 337 through 339 of Volume II of Book 1 of the Fiscal Year 2007 Congressional Budget Justification Book of a component of the intelligence community.

SEC. 8151. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', $1,000,000 may be available for the Portable Battery Operated Solid-State Electrochemical Oxygen Generator project for the purpose of developing a field-portable oxygen generation device to enable the quick administration of oxygen to members of the Armed Forces wounded in action.

SEC. 8152. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $1,000,000 may be available for Energy Regeneration and Conversion Fuel Cell Systems to address Navy Unmanned Underwater Vehicle requirements.

SEC. 8153. ROYALTY RELIEF FOR PRODUCTION OF OIL AND GAS.—(a) PRICE THRESHOLDS.—Notwithstanding any other provision of law, the Secretary of the Interior shall place limitations based on market price on the royalty relief granted under any lease for the production of oil or natural gas on Federal land (including submerged land) entered into by the Secretary of the Interior on or after the date of enactment of this Act.

(b) CLARIFICATION OF AUTHORITY TO IMPOSE PRICE THRESHOLDS FOR CERTAIN LEASE SALES.—Congress reaffirms the authority of the Secretary of the Interior under section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(H)) to vary, based on the price of production from a lease, the suspension of royalties under any lease subject to section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (Public Law 104–58; 43 U.S.C. 1337 note).

SEC. 8154. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $1,000,000 may be available for Program Element 0602105A for Thermoplastic Composite Body Armor research.

SEC. 8155. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'', up to $7,500,000 may be available to renovate and repair existing barracks at Camp Perry, Port Clinton, Ohio.

SEC. 8156. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $3,000,000 may be available for Weapons and Munitions Advanced Technology (PE #603004A) for Advanced Switching and Cooling Concepts for Electromagnetic Gun Applications.

SEC. 8157. Of the amount appropriated by title IX under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $5,000,000 may be used for community-based programs that provide mental health and readjustment assistance to members of the National Guard and Reserve and their families on their return from deployment.

SEC. 8158. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $3,000,000 may be available to the Navy to fund improvements to physical security at Navy recruiting stations and to improve data security.

SEC. 8159. Of the amount appropriated or otherwise made available by title VI under the heading ''DEFENSE HEALTH PROGRAM'', $19,000,000 shall be available for the Defense and Veterans Brain Injury Center.

SEC. 8160. (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.

SEC. 8161. 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.

SEC. 8162. 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.

SEC. 8163. 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.

SEC. 8164. 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.

SEC. 8165. 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).

SEC. 8166. 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.

SEC. 8167. 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).

TITLE IX

ADDITIONAL APPROPRIATIONS

CHAPTER 1

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $5,054,502,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $114,500,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $142,320,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $129,000,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $90,910,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $15,420,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $214,100,000.

CHAPTER 2

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $24,037,232,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $1,284,172,000: Provided, That up to $90,000,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,809,466,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $1,940,553,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,383,189,000 of which up to $760,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided,

That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $211,600,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $8,036,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $65,000,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $2,033,100,000, which shall be designated as an emergency pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $200,000,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $50,000,000, to remain available for transfer until September 30, 2008, only to support operations in Iraq or Afghanistan: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Afghanistan Security Forces Fund'', $1,200,000,000, to remain available until September 30, 2008: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, 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: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $1,400,000,000, to remain available until September 30, 2008: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, 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: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $1,500,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

CHAPTER 3

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $556,000,000, to remain available until September 30, 2009.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $1,048,280,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,817,527,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $153,700,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $99,930,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $276,500,000, to remain available until September 30, 2009.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $1,281,068,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $720,100,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $25,400,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,220,293,000, to remain available until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $56,255,000, to remain available until September 30, 2009.

CHAPTER 4

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $110,000,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $33,064,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $155,144,000, to remain available until September 30, 2008.

CHAPTER 5

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $373,474,000.

CHAPTER 6

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for ''Intelligence Community Management Account'', $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.

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.

GENERAL PROVISIONS, THIS TITLE

SEC. 9001. Appropriations provided in this title are available for obligation until September 30, 2007, unless otherwise so provided in this title.

SEC. 9002. Notwithstanding any other provision of law or of this Act, funds made available in this title are in addition to amounts provided elsewhere in this Act.

(TRANSFER OF FUNDS)

SEC. 9003. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 9004. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 9005. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9006. (a) From funds made available in this title to the Department of Defense, not to exceed $500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter (beginning with the first quarter of fiscal year 2007), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 9007. Amounts provided in this title for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in this Act, or any other provision of law: Provided, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including the cost, purposes, and quantities of vehicles purchased.

SEC. 9008. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9009. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9010. (a) Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter through the end of fiscal year 2007, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment

strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(E) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(F) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(v) attrition rates and measures of absenteeism and infiltration by insurgents.

(G) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(H) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(I) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2007.

SEC. 9011. Amounts provided in chapters 1 and 2 of this title are 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 are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234: Provided, That the amounts provided in chapters 3, 4, 5, and 6 of this title are available immediately upon enactment of this Act.

SEC. 9012. (a) ADDITIONAL AMOUNT FOR ARMY AND MARINE CORPS FOR EQUIPMENT RESET.—In addition to amounts provided by other provisions of this title, $7,800,000,000 is provided to the Army, and $5,300,000,000 is provided to the Marine Corps, to fund equipment reset requirements resulting from continuing combat operations.

(b) DESIGNATION AS EMERGENCY REQUIREMENTS.—The amounts provided under subsection (a) are 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 are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SEC. 9013. Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'', up to $6,700,000 may be available for the pilot program of the Army National Guard on the reintegration of members of the National Guard into civilian life after deployment.

SEC. 9014. (a) Of the amount appropriated or otherwise made available by chapter 2 of this title under the heading ''OPERATION AND MAINTENANCE, ARMY'', up to $9,000,000 may be made available for the procurement of hemostatic agents, including blood clotting bandages and invasive hemostatic agents, for use by members of the Armed Forces in the field.

(b) Of the amount appropriated or otherwise made available by such chapter under the heading ''OPERATION AND MAINTENANCE, MARINE CORPS'', up to $2,000,000 may be made available for the procurement of hemostatic agents and invasive hemostatic agents, including blood clotting bandages, for use by members of the Armed Forces in the field.

SEC. 9015. Of the amount appropriated or otherwise made available by this Act by reason of the adoption of Senate Amendment 4751 (referred to as the ''Stevens amendment''), $2,440,000,000 is available for the National Guard for National Guard and Reserve equipment. Such amount is in addition to any other amounts available in this title, or under title III under the heading ''OTHER PROCUREMENT, ARMY'', for National Guard and Reserve equipment.

SEC. 9016. (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.

SEC. 9017. (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 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.

SEC. 9018. (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.

This Act may be cited as the ''Department of Defense Appropriations Act, 2007''.

MEASURES READ FIRST TIME—S. 3882 and H.R. 503

Mr. MCCONNELL. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills for the first time.

The assistant legislative clerk read as follows:

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

A bill (H.R. 503) to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

Mr. MCCONNELL. Mr. President, I 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.

The PRESIDING OFFICER. Objection is heard.

MEASURES PLACED ON CALENDAR—S. 3861, S. 3873, S. 3874, S. 3875, S. 3876, and S. 3877

Mr. MCCONNELL. Mr. President, I understand there are six bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bills for the second time.

The assistant legislative clerk read as follows:

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

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. MCCONNELL. Mr. President, in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar.

PAYING TRIBUTE TO REVEREND WAITSTILL SHARP AND MARTHA SHARP

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 562, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

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

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, 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. 562) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 562

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

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

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

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

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

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

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

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

Whereas the Sharps stayed in Czechoslovakia until August 30, 1939, 1 day before Gestapo agents came to arrest Martha Sharp, who had become known for her boldness at evading Nazi rules restricting travel;

Whereas upon the Sharps' return in 1940 to their family and the Wellesley Hills Unitarian Church in Massachusetts, their report to the American Unitarian Association about the imminent danger posed by the Nazis to refugees across Europe led to the Sharps being asked to establish a similar operation in France under the newly founded Unitarian Service Committee;

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

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

Whereas the famous Jewish novelist, Lion Feuchtwanger, who was one of the first Germans to have his citizenship revoked after Hitler came to power and whose name topped the Gestapo's ''Surrender on Demand'' list, was one of the first people the Sharps helped in a dramatic and dangerous escape from France;

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

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

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

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

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

Whereas Martha Sharp was the first American woman to be named Righteous Among the Nations, and the Reverend Waitstill

Sharp and Martha Sharp were only the second and third individuals named Righteous Among the Nations who were United States citizens at the time they performed the deeds for which they were honored;

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

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

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

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

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

Resolved, That the Senate—

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

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

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

(4) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Joukowsky family of Providence, Rhode Island, the direct descendants of the Reverend Waitstill Sharp and Martha Sharp, and to the Unitarian Universalist Service Committee of Cambridge, Massachusetts.

NATIONAL CELIAC DISEASE AWARENESS DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 563, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 563) designating September 13, 2006, as ''National Celiac Disease Awareness Day''.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INHOFE. Mr. President, I rise today, along with my colleague, BEN NELSON, to urge support for resolution designating September 13, 2006, as National Celiac Disease Awareness Day. We come before the Senate today to seek your help in raising awareness of celiac disease. Celiac disease hits very close to home for me as I have a staffer with the disease and an Oklahoma Celiac Support Group working to promote awareness in my great State. There are many groups and organizations working to promote celiac disease, and we applaud all their efforts. We would like to give special thanks to Heather Cline, President, with the Oklahoma Celiac Support Group, and Tom Sullivan, President, and Mary Schluckebier, Executive Director, with the Celiac Sprue Association, located in Nebraska, for their help with this resolution and great work promoting awareness.

Celiac disease is an autoimmune disorder and a malabsorption disease that affects an estimated 2.2 million Americans which could mean as many as 22,000 in the State of Oklahoma. Celiac disease is, essentially, intolerance to gluten, a protein found in wheat, rye, oats and barley, as well as some medicines and vitamins. When exposed to gluten, the villi of the small intestine are damaged, interfering with the absorption of nutrients. Other problems can occur as a result of damage to the small intestine, including malnutrition, anemia, lymphoma, and adenocarcinoma, osteoporosis, miscarriage and congenital malformation, and short stature. Celiac disease is also linked other autoimmune disorders such as thyroid disease, systemic lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis and Sjögren's syndrome.

Celiac disease has been widely underdiagnosed and misdiagnosed until recently thanks to an increase in research regarding the disease. It is easily detectable through tests measuring the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase and IgA anti-endomysium antibodies. Of the 2.2 million Americans who have celiac disease, 97 percent are currently undiagnosed, according to the University of Chicago Celiac Disease Program. Often the symptoms are attributed to other conditions as many doctors lack sufficient knowledge about the disease. In a study published by the American Journal of Gastroenterology, the average length of time for a symptomatic person to be diagnosed with celiac disease is eleven years, dramatically increasing an individual's risk of developing more serious conditions. To compound the situation, according to a study by Dr. Allesio Fasano, published in the Archives of Internal Medicine, sixty percent of children and forty-one percent of adults diagnosed with celiac disease are asymptomatic, showing no symptoms of the disease.

Treatment for celiac disease involves following a gluten-free diet. The good news is that the treatment for celiac disease is highly effective. In most sufferers, the small intestines heal completely. However, failure to properly diagnose celiac disease could lead to some of the issues mentioned earlier, and most often malnutrition.

Awareness can go a long way toward diagnosing and treating the millions of suffers of celiac disease both in my home state of Oklahoma and across the nation. Therefore, we ask you to join us in this effort to raise awareness of celiac disease.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 563) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 563

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

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

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

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

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

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

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

Whereas, according to a study, 60 percent of children and 41 percent of adults diagnosed with celiac disease were asymptomatic;

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

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

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

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

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

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

Resolved, That the Senate—

(1) designates September 13, 2006, as ''National Celiac Disease Awareness Day'';

(2) recognizes that all people of the United States should become more informed and aware of celiac disease;

(3) calls upon the people of the United States to observe the date with appropriate ceremonies and activities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Celiac Sprue Association, the American Celiac Society, the Celiac Disease Foundation, the Gluten Intolerance Group of North America, and the Oklahoma Celiac Support Group.

NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 564 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 564) designating September 10 through September 16, 2006, as ''National Polycystic Kidney Disease Awareness Week'' and supporting the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease and to foster understanding of the impact polycystic kidney disease has on patients and future generations of their families.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 564) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 564

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

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

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

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

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

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

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

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

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

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

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

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

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

Resolved, That the Senate—

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

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

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

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

SUPPORTING AND COMMENDING THE NATIONAL SEXUAL ASSAULT HOTLINE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 537, and the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 537), supporting the National Sexual Assault Hotline and commending the Hotline for counseling and supporting more than 1,000,000 callers.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD as if read without further intervening action or debate.

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

The resolution (S. Res. 537) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 537

Whereas it is estimated that a sexual assault occurs every 2.5 minutes in the United States and more than 200,000 people in the United States each year are victims of sexual assault;

Whereas 1 of every 6 women and 1 of every 33 men in the United States have been victims of rape or attempted rape, according to the Department of Justice;

Whereas the Uniform Crime Reports of the Federal Bureau of Investigation rank rape second only to murder in the hierarchy of violent crimes;

Whereas research suggests that sexual assault victims who receive counseling are more likely to report the assault to the police and to participate in the prosecution of the offender;

Whereas, in June 2006, the National Sexual Assault Hotline (referred to in this preamble as ''Hotline'') helped its 1,000,000th caller;

Whereas the Hotline operates 24 hours per day, 365 days per year, offering important, free, and confidential crisis intervention, support, information, and referrals for victims of sexual assault and their friends and families;

Whereas the Hotline was created by the Rape, Abuse & Incest National Network (referred to in this preamble as ''RAINN''), a non-profit corporation, the headquarters of which are located in Washington, D.C.;

Whereas the Hotline answered its first call on July 27, 1994, and operated solely with private funds for the first 10 years the Hotline was in existence;

Whereas RAINN continues to operate the Hotline today, in partnership with 1,100 local

rape crisis centers in the 50 States and the District of Columbia and with over 10,000 trained volunteers and staff, and in collaboration with coalitions against sexual assault in each of the 50 States;

Whereas the Hotline helps an average of 11,000 people each month and in 2005 helped 137,039 women, men, and children across the Nation;

Whereas the public education and outreach undertaken by RAINN and local rape crisis centers have increased public awareness of sexual violence and contributed to a 58-percent decline in crimes of sexual violence since 1993;

Whereas the Hotline has experienced a significant increase in call volume as public awareness of sexual violence has grown, with calls to the Hotline increasing by 43 percent since 2003;

Whereas millions of Americans have learned of the services available through the Hotline, thanks to the public service promotion contributed by every national broadcast television network, a dozen cable networks, and more than 1,000 radio stations, newspapers, and magazines; and

Whereas the Hotline serves as an outstanding example of a successful partnership between the Federal Government, the private sector, and individuals: Now, therefore, be it

Resolved, That the Senate—

(1) supports the National Sexual Assault Hotline; and

(2) commends the National Sexual Assault Hotline for counseling and supporting more than 1,000,000 callers.

ABRAHAM LINCOLN COMMEMORATIVE COIN ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2808, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2808) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2808) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR MONDAY, SEPTEMBER 11, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, September 11. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business until 4 p.m; further, that at 4 p.m. the Senate resume consideration of H.R. 4954, the port security bill.

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

PROGRAM

Mr. MCCONNELL. Today we continued debate on the port security bill. Two amendments are pending and we anticipate additional amendments to be offered on Monday, for a series of votes on Tuesday. Senators should be consulting with the bill managers in order to get their amendments in the queue and to finish this bill, we hope, in short order. While the leader has indicated that we will not have any rollcall votes until Tuesday, we need to continue to move forward on this bill, and Senators are encouraged to offer and debate their amendments on Monday next and early in the week.

Everyone should also remember that Monday will mark the fifth anniversary of the terrorist attack known as 9/11. We will have a bipartisan, bicameral ceremony at 6 p.m. On Monday evening on the East Front of the Capitol at exactly the same time we all joined on the Capitol steps on the evening of 9/11.

All Members obviously are urged to join us and to participate in remembrance of that event on the steps of the Capitol at 6 p.m., September 11, 2001.

ORDER FOR RECORD TO REMAIN OPEN

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the RECORD remain open until 3 p.m. for statements.

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

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 11, 2006, AT 2 P.M.

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:43 p.m., adjourned until Monday, September 11, 2006, at 2 p.m.